



Community Planning and Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.gov

**BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING**

January 14, 2025 at 1:00 p.m.

**Boulder County Courthouse, 3rd Floor,
1325 Pearl Street, Boulder
Virtual and in-person**

DATE PUBLISHED: January 7, 2025

STAFF PLANNER: Pete L’Orange, Senior Planner

STAFF RECOMMENDATION

Docket LU-24-0015: Lopez Ag Worker Accessory Dwelling Unit

Request: Limited Impact Special Review for an Agricultural Worker Accessory Dwelling Unit on an approximately 83-acre parcel
Location: 10790 N. 49th Street, an approximately 83-acre parcel located approximately 0.3-mile south of the intersection of N. 49th Street and Saint Vrain Road, in Section 4, Township 2N, Range 70W.
Zoning: Agricultural (A) Zoning District
Applicant/Owner: Lopez Gilbert Estate c/o Kristin Lopez

PACKET CONTENTS:

Item	Pages
Staff Recommendation	1 – 18
Application Materials (Attachment A)	A1 – A19
Referral Responses (Attachment B)	B1 – B16

STAFF RECOMMENDATION:

Staff recommend that the Board of County Commissioners conditionally approve docket LU-24-0015: Lopez Ag Worker Accessory Dwelling Unit.

SUMMARY AND RECOMMENDATION:

This application requests Limited Impact Special Review to construct a detached Agricultural Worker Accessory Dwelling Unit (Ag Worker ADU). Limited Impact Special Use Review is required for an Ag Worker ADU and is analyzed pursuant to the Special

Use Standards outlined in Art. 4-601 of the Boulder County Land Use Code (the Code). Staff recommend conditional approval of the proposal because, as conditioned, staff find the Ag Worker ADU can meet the Limited Impact Special Review Criteria in the Code.

DISCUSSION:

The subject parcel is approximately 83 acres in size and is part of a larger 120-acre agricultural operation. The subject parcel is located on the west side of N. 49th Street, approximately 0.3 miles south of the intersection of N. 49th Street and Saint Vrain Road (see Figure 1 below).

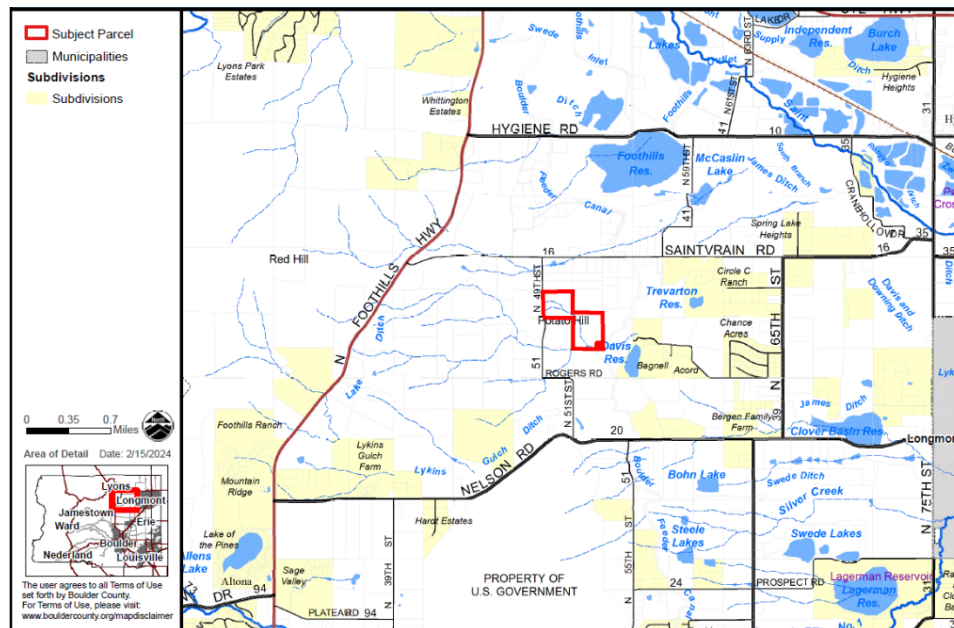


Figure 1: Vicinity Map showing location of the subject parcel.

There is an existing 3,780-square-foot residence and 14,712 square feet of agricultural floor area on the subject parcel. The existing agricultural structures include multiple barns, loafing sheds, and a greenhouse. In 2006, the subject parcel was approved for a reception hall use (SU-06-0002) through a Special Use/Site Specific Development Plan.

The applicant has requested approval for an approximately 1,943-square-foot Agricultural Worker ADU with an approximately 125-square-foot covered porch area and an attached approximately 285-square-foot carport, in order to support the agricultural activities. Per the application materials submitted, these activities include management of the hay fields and crops, care for the animals (cattle, sheep, chickens, horses) and maintaining tractors and other farm equipment. The Ag Worker ADU is proposed to be located on the western end of the parcel, adjacent to the existing access drive.

The County Comprehensive Plan indicates that the subject parcel is located within identified Agricultural Land of Statewide Importance (see Figure 2 below); additionally,

there are identified wetland and riparian areas on the subject parcel. There is a National Landmarks/Natural Areas (NLNA) buffer area on the western end of subject parcel, associated with the Red Hills NLNA. Finally, there is a Viewshed Protection score of 1.47 out of 5 on N. 49th Street.

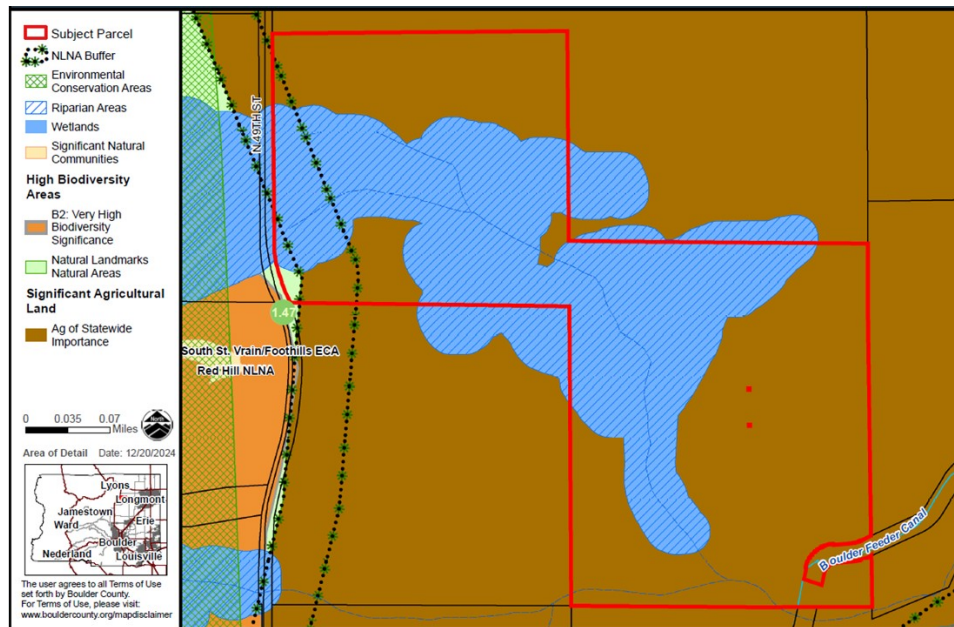


Figure 2: Comprehensive Plan map of subject parcel.

A significant portion of the subject parcel and portions of adjacent parcels are encumbered by Boulder County-held conservation easements (see Figure 3 below). There is also City of Boulder Open Space and Mountain Parks land to the west of the subject parcel.

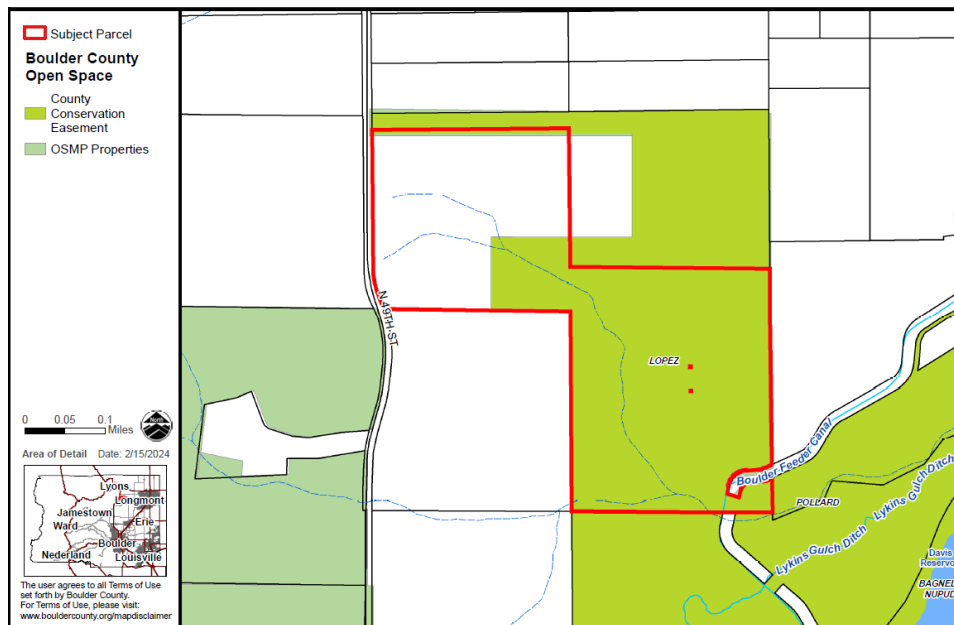


Figure 3: Public Lands and Conservation Easements map.

REFERRALS:

This application was referred to the typical agencies, departments, and property owners within 1,500 feet of the property. All responses received are attached and summarized below.

Boulder County Building Safety and Inspection Services Team: Boulder County Building Safety and Inspection Services reviewed the proposal and responded that the proposed structures will be required to meet the county's BuildSmart requirements and must have an automated fire sprinkler system installed, be constructed with ignition-resistant materials and defensible space for wildfire mitigation. A more detailed plan review will be performed at the time of permit application, when full details are available, to assure that the proposal will meet all applicable minimum requirements.

Boulder County Development Review Team – Access & Engineering: Boulder County Development Review Team – Access & Engineering (A&E) reviewed the proposal and determined the property has legal access via N. 49th Street. They also provided comment and recommended conditions of approval related to the proposed driveway from the existing access to the proposed Ag Worker ADU; they noted that the drive must meet the county's Multimodal Transportation Standards (MMTS). Finally, they provided comment on the existing culvert and ditch that the proposed driveway would cross over.

Boulder County Parks and Open Space – Natural Resources Planner: The Boulder County Parks and Open Space Natural Resources Planner reviewed the proposal and noted that the proposed Ag Worker ADU would be clustered with other development on the subject parcel. They expressed concerns about the size of the proposed circular drive for the Ag Worker ADU.

Boulder County Public Health: The Boulder County Public Health team review the proposal and provided comment on the On-Site Wastewater Treatment System (OWTS) requirements for the subject parcel.

City of Boulder Open Space and Mountain Parks: This agency reviewed the proposal and stated that they have no objections with the proposal, and that it support agricultural resources on the subject parcel.

Colorado Division of Water Resources: This agency reviewed the proposal and noted that the existing well on the subject parcel does not have a recorded permit, and that the applicants must get it permitted.

Adjacent Property Owners: Notices were mailed to 27 nearby property owners; staff have not received any public comments.

Agencies that sent a response indicating no conflicts: Boulder County Conservation Easement Team; Boulder County Historic Preservation Team; Xcel Energy; and United States Fish and Wildlife Service.

Agencies that did not respond include: Boulder County Long Range Planning; Boulder County Assessor's Office; Boulder County Sherriff; Left Hand Water District; Poudre Valley REA; Boulder Feeder Canal Company; and Hygiene Fire Protection.

LIMITED IMPACT SPECIAL REVIEW SUMMARY:

The Community Planning & Permitting staff reviewed the conditions and standards for approval of a Limited Impact Special Review as set forth in Article 4-601 of the Code. Additionally, staff reviewed the additional provision that apply to the proposed Ag Worker ADU per Article 4-516.H of the Code and finds the following:

- (1) *Complies with the minimum zoning requirements of the zoning district in which the use is to be established, and will also comply with all other applicable requirements;***

The subject parcel is zoned Agricultural and is a legal building lot. Ag Worker ADUs can be approved as accessory uses (Article 4-516) through Limited Impact Special Review. Ag Worker Care ADUs are subject to additional provisions as set forth in Article 4-516.H.6.

Additional Provisions for an Agricultural Worker Accessory Dwelling Unit under Article 4-516.H.6 include the following:

- a. The applicant shall adequately demonstrate that the property size and nature of the agricultural work on the property requires a second household for labor on-site.***

The agricultural narrative as submitted by the applicant states that the agricultural activities occur on a total of approximately 120 acres – the 83-acre subject parcel and the adjacent 35-acre parcel to the north, which is also owned by the applicant. The narrative outlines the nature of the agricultural work on that 120-acre area. As discussed above, those activities include: irrigating hay fields; cutting, baling, and loading hay; rotating animals in pastures; repairing fences; installing fencing to protect wetlands from grazing; planting cover crops and native grasses; controlling invasive weeds; planting and caring for native trees and shrubs for wildlife habitat; and maintaining tractors and other farm equipment. Staff find that the narrative as submitted by the applicant adequately demonstrates that the size and nature of the agricultural work.

Therefore, staff find this provision is met.

- b. The applicant shall adequately demonstrate that the worker is substantially employed in farming the property.**

As discussed above, staff find nature of the agricultural work on the subject parcel supports the need for a second household. And as confirmed by the applicant, the worker occupying the unit, with their family, works on the subject parcel.

Therefore, staff find this provision is met.

- c. The applicant shall adequately demonstrate that the unit is necessary for operating the farm.**

Staff find that, based on the size and nature of the agricultural activities, an Ag Worker ADU is necessary for operating of the farm.

Therefore, staff find this provision is met.

- d. The accessory dwelling may be detached from the principal dwelling, provided it is either closely clustered with the principal structure or located where appropriate for the agricultural operation with which it is associated.**

The proposed Ag Worker ADU is a detached structure, located on the western end of the subject parcel. While the proposed Ag Worker ADU is approximately 150 feet from the nearest structure (see Figure 4 below), the proposed location is near the existing access road into the subject parcel. Additionally, nearly all of the development on the subject parcel is located at the northern end of the parcel. The proposed Ag Worker ADU would be in this same general portion of the parcel.



Figure 4: Aerial photo of subject parcel, with existing development; the proposed Ag Worker ADU is indicated by the yellow star.

Staff finds the proposed location is generally clustered with the rest of the development on the parcel. This will prevent the fragmentation of the active and productive agricultural areas on the subject parcel.

Therefore, staff find this provision is met.

- e. The accessory dwelling is limited to 1,800 square feet. The Board may approve covered porches to proposed accessory dwellings which exceed these specified square footage limitations, provided that no other portion of the floor area of the proposed dwelling exceeds the specified limitation, and provided that the Board approves the additional covered porch area in accordance with the special use criteria. In no event shall any such approved covered porch area ever be enclosed.***

The applicant has requested a 1,943-square-foot ADU (see Figure 5 below). Per the application materials, this includes 1,800 square feet of dwelling space, plus an approximately 143-square-foot laundry room. Per the Code, however, Ag Worker ADUs are limited to no more than 1,800 square feet. As such, staff recommends as a condition of approval that the ADU be limited to 1,800 square feet to comply with this Code requirement.



Figure 5: Floor plan of proposed ADU.

The applicant has also proposed an approximately 125-square-foot covered porch area on the east side of the ADU. The Code allows covered porches on Ag Worker ADUs which exceeds the allowed 1,800 square feet, if approved by the Board of County Commissioners. Staff have not identified any adverse

impacts from the proposed covered porch area and recommend that it be approved as proposed.

Finally, the applicant has also proposed an attached carport of approximately 285 square feet. The Code does not speak to carports in relation to accessory dwelling units. However, Article 18-189D of the Code exempts “gazebos, carports, solar parking canopies, detached greenhouses, renewable energy storage facilities, and hoop houses up to a total combined size of 400 square feet” from residential floor area calculations. While Ag Worker ADUs are not counted as Residential Floor Area, staff find allowing the proposed carport as exempt floor area (e.g. – not included in the allowed 1,800 square feet for Ag Worker ADUs) is consistent with Article 18-189D. Additionally, staff have not identified any adverse impacts from the carport as proposed. As such, staff recommends that the carport be approved as proposed.

Therefore, as conditioned, staff find this provision can be met.

f. The property owner or a member of the owner's immediate family must work and live on the property.

The applicant lives on the subject parcel.

Therefore, staff find this provision is met.

g. The owner must submit an annual report to the Community Planning & Permitting Department indicating that the purpose for which the accessory unit was approved has not changed, and that the unit continues to be occupied in accordance with the approval. Any impermissible change in use of the unit can result in termination of the right to occupy or use the unit.

Staff recommend a condition of approval requiring the property owner to submit an annual report to the Community Planning & Permitting Department indicating that the accessory dwelling continues to be used as an Ag Worker ADU that is occupied in accordance with the approval of this docket.

Therefore, as conditioned, staff find this provision can be met.

h. A notice of these provisions will be recorded in the real property records of the Clerk and Recorder's Office.

Staff recommend a condition of approval requiring, prior to the issuance of any building permits for the Ag Worker ADU, a signed affidavit be recorded that recognizes the conditions of approval for this docket.

As conditioned, staff find this provision can be met.

- i. Agricultural accessory dwellings approved by Boulder County or legally nonconforming prior to October 19, 1994 shall be permitted to be repaired, remodeled or replaced, provided the new structure is in the same general location and does not exceed 1,800 square feet.***

As the proposal is for a new Ag Worker ADU and not an ADU which legally existed prior to October 19, 1994, staff find this provision is not applicable.

As conditioned, staff find the Agricultural Worker ADU can meet all the required provisions of Article 4-516.H.6 of the Code.

Therefore, as conditioned, staff find this criterion can be met.

- (2) Will be compatible with the surrounding area. In determining compatibility, the Board should consider the location of structures and other improvements on the site; the size, height and massing of the structures; the number and arrangement of structures; the design of structures and other site features; the proposed removal or addition of vegetation; the extent of site disturbance, including, but not limited to, any grading and changes to natural topography; and the nature and intensity of the activities that will take place on the site. In determining the surrounding area, the Board should consider the unique location and environment of the proposed use; assess the relevant area that the use is expected to impact; and take note of important features in the area including, but not limited to, scenic vistas, historic townsites and rural communities, mountainous terrain, agricultural lands and activities, sensitive environmental areas, and the characteristics of nearby development and neighborhoods;***

For purposes of this review, staff considers the properties within 1,500 feet of the subject parcel as the applicable surrounding area. Existing development within this area consists primarily of single-family residences, many with agricultural activities. Staff find the location of the proposed Ag Worker ADU would be consistent with the surrounding area.

Staff have not identified any conflicts with the use of the Ag Worker ADU in relation to the character of the surrounding area; no referral agencies have responded with any such concerns.

Therefore, staff find that this criterion is met.

- (3) The use will be in accordance with the Comprehensive Plan;***

The Comprehensive Plan indicates that the subject parcel is within identified agricultural land of statewide importance. As discussed above, the location for the Ag Worker ADU as proposed by the applicant is clustered with other development and staff find that adverse impacts to the agricultural lands of statewide importance are avoided.

The Comprehensive Plan also indicates that the western edge of the subject parcel is located within the buffer area for the Red Hills Natural Landmark/Natural Area. However, the proposed Ag Worker ADU would be located outside of this buffer area. As such, staff find the proposal will not adversely impact the NLNA.

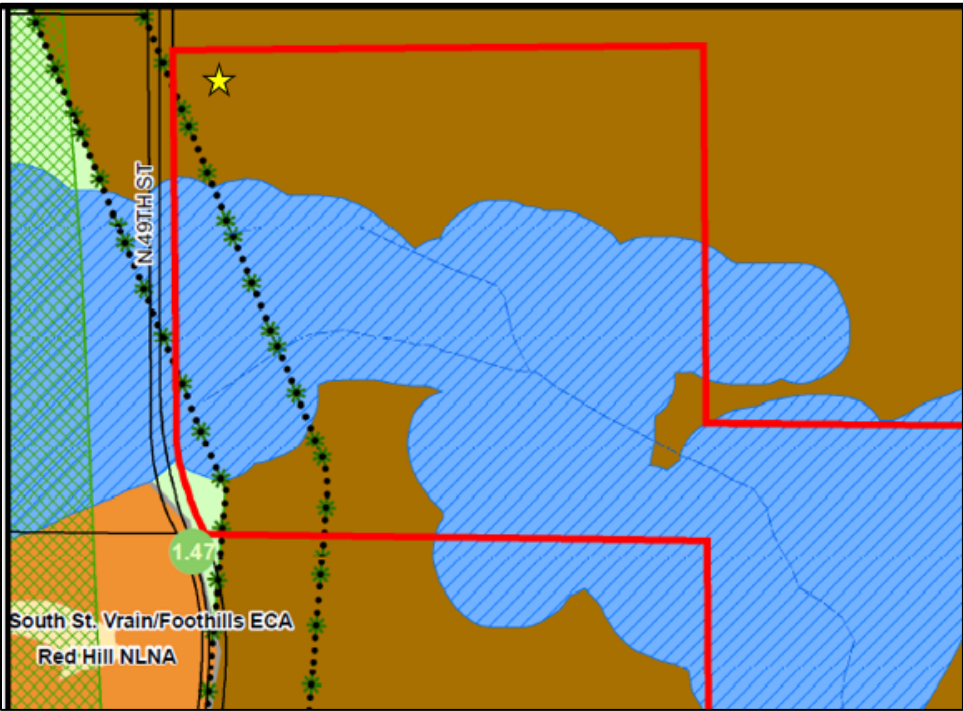


Figure 6: Detail from Comprehensive Plan Map for the subject parcel, with the proposed Ag Worker ADU indicated by the yellow star.

In addition, the Comprehensive Plan identifies a viewshed protection score of 1.47 out of 5 along N. 49th Street. However, the proposed location for the Ag Worker ADU is very well screened by existing vegetation. As such, staff does not anticipate that the proposed Ag Worker ADU will have any adverse impacts on any significant viewsheds.

Therefore, staff find that this criterion is met.

- (4) Will not result in an over-intensive use of land or excessive depletion of natural resources. In evaluating the intensity of the use, the Board should consider the extent of the proposed development in relation to parcel size and the natural landscape/topography; the area of impermeable surface; the amount of**

blasting, grading or other alteration of the natural topography; the elimination or disruption of agricultural lands; the effect on significant natural areas and environmental resources; the disturbance of plant and animal habitat, and wildlife migration corridors; the relationship of the proposed development to natural hazards; and available mitigation measures such as the preservation of open lands, the addition or restoration of natural features and screening, the reduction or arrangement of structures and land disturbance, and the use of sustainable construction techniques, resource use, and transportation management.

As discussed in the referral response from the Boulder County Parks and Open Space Natural Resources Planner, staff finds that the large loop drive would result in excess and unnecessary site disturbance; this is of particular concern on the subject parcel as it is designated as Agricultural Land of Statewide Importance. Removal of the loop drive would significantly reduce the amount of grading necessary. As such, staff recommends as a condition of approval that the loop drive be removed from plans submitted for permitting.

Additionally, no earthwork or grading calculations were provided with the application materials. With the removal of the loop drive, staff do not have particular concerns related to the amount of earthwork and grading necessary for the driveway and the Ag Worker ADU structure; however, to ensure that the proposal does not exceed 500 cubic yards of earthwork, staff recommends as a condition of approval that a grading plan and associated earthwork calculations be submitted for review and approval at building permit application submission.

Finally, to ensure that the construction of the Ag Worker ADU does not result any undue adverse impacts to significant agricultural lands or plant and animal habitat, staff recommends as condition of approval that a Revegetation and Erosion Control Plan be submitted at permitting and that any disturbed areas be revegetated.

Therefore, as conditioned, staff find that this criterion can be met.

(5) *The use will not have a material adverse effect on community capital improvement programs*

Staff have not identified any capital improvement programs which might be impacted by the proposed Ag Worker ADU, and no referral agency has responded with any such concern.

Therefore, staff find that this criterion is met.

(6) *The use will not require a level of community facilities and services greater than that which is available;*

Due to the proximity of the existing and proposed structures to N. 49th Street, the Ag Worker ADU will not require a level of community facilities and services greater than that which is available in term of fire and emergency response. However, as stated in the referral response from the Access & Engineering Team, the plans submitted with the application do not show an emergency turnaround which meets Boulder County standards. Staff recommends as a condition of approval that plans submitted for permitting include a compliant emergency turn around and that this turnaround be installed.

Therefore, as conditioned, staff find that this criterion is met.

(7) Will support a multimodal transportation system and not result in significant negative impacts to the transportation system or traffic hazards;

As discussed above, the subject property is accessed via N. 49th Street. Per the Access & Engineering referral response, the proposed new driveway connecting to the existing driveway must meet the Boulder County Multimodal Transportation Standards (the Standards). Staff recommend as a condition of approval that plans submitted at building permit must demonstrate compliance with for residential development in the plains, including without limitation:

- a. Table 5.5.1 – Parcel Access Design Standards
- b. Standard Drawing 11 – Private Access
- c. Standard Drawing 15 – Access Profiles Detail
- d. Standard Drawing 16 – Access Grade & Clearance
- e. Standard Drawing 18 – Access Turnaround
- f. Standard Drawing 19 – Typical Turnaround Locations

Additionally, staff recommend as a condition of approval that, during construction, that all construction equipment and materials be staged on the subject property. This will ensure that construction of the Ag Worker ADU will not result in any adverse impacts to the transportation system during construction.

Finally, staff recommend as a condition of approval that, at final inspection, Community Planning & Permitting staff must verify that the access has been constructed to comply with the Standards.

Therefore, as conditioned, staff find this criterion can be met.

(8) Will not cause significant air, odor, water, or noise pollution;

There is no indication that the proposed Ag Worker ADU will cause significant air, odor, or noise pollution, and no referral agency responded with such a concern.

Therefore, staff find this criterion is met.

(9) *Will be adequately buffered or screened to mitigate any undue visual impacts of the use;*

Staff have determined that the Ag Worker ADU as proposed will generally not have any undue visual impacts. As conditioned in Criterion 1 above, the Ag Worker ADU can be within the allowed square footage. As discussed above, staff finds that the existing and proposed structures would be generally clustered, which will prevent any undue visual impacts of the ADU. The proposed location for the Ag Worker ADU is very well screened by the public right-of-way and adjacent parcels by existing vegetation. Per the application materials, the Ag Worker ADU will have stucco siding in a neutral color and a metal roof. However, no specific colors or material samples were submitted. To ensure that the Ag Worker ADU does not result in any undue visual impacts, staff recommend as a condition of approval that information on exterior colors and materials be submitted at building permit for review and approval.

Additionally, no information was submitted by the applicant regarding any exterior lighting. As such, staff recommends that as a condition of approval, if there will be any exterior lighting related to the Ag Worker ADU, the applicant submit a lighting plan for review and approval by staff as part of the building permit application.

Therefore, as conditioned here and in Criterion 1 above, staff find this criterion can be met.

(10) *The use will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County*

Staff have not identified any impacts of the proposed Ag Worker ADU which would be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County; additionally, no referral agencies have responded with any such concerns.

Therefore, staff find this criterion is met.

(11) *The use will establish an appropriate balance between current and future economic, environmental, and societal needs by minimizing the consumption and inefficient use of energy, materials, minerals, water, land, and other finite resources.*

Staff have not identified any concerns or conflicts with this criterion; additionally, no agencies have responded with any such concerns.

Therefore, staff find this criterion is met.

- (12) ***The use will not result in unreasonable risk of harm to people or property – both onsite and in the surrounding area – from natural hazards. Development or activity associated with the use must avoid natural hazards, including those on the subject property and those originating off-site with a reasonable likelihood of affecting the subject property. Natural hazards include, without limitation, expansive soils or claystone, subsiding soils, soil creep areas, or questionable soils where the safe-sustaining power of the soils is in doubt; landslides, mudslides, mudfalls, debris fans, unstable slopes, and rockfalls; flash flooding corridors, alluvial fans, floodways, floodplains, and flood-prone areas; and avalanche corridors; all as identified in the Comprehensive Plan Geologic Hazard and Constraint Areas Map or through the Special Review or Limited Impact Special Review process using the best available information. Best available information includes, without limitation, updated topographic or geologic data, Colorado Geologic Survey landslide or earth/debris flow data, interim floodplain mapping data, and creek planning studies.***

The Comprehensive Plan indicates that the entire subject parcel is located in a Moderate Swelling Soil potential area; additionally, portions of the parcel are identified as Landslide Susceptibility Areas and there is a Steeply Dipping, Heavy Bedrock area in the far southeastern corner of the parcel (see Figure 7 below). The current application avoids both the Landslide Susceptibility and the Steeply Dipping, Heavy Bedrock areas.

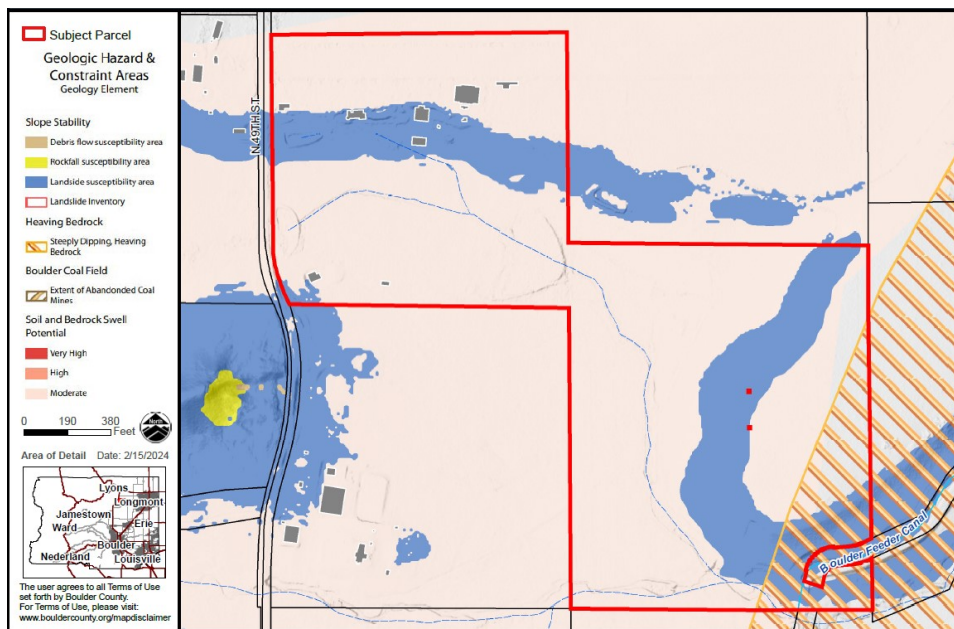


Figure 7: Geological Hazards map, which subject parcel indicated in red.

Finally, while the proposed location for the Ag Worker ADU is with the Moderate Swelling Soil Potential area, staff does not have any particular concerns related this designation; plans submitted for permitting will be reviewed to ensure that the foundation of the structure is stable. As such, staff finds no additional conditions of approval are necessary.

Therefore, staff find that this criterion is met.

- (13) *The proposed use shall not alter historic drainage patterns and/or flow rates unless the associated development includes acceptable mitigation measures to compensate for anticipated drainage impacts. The best available information should be used to evaluate these impacts, including without limitation the Boulder County Storm Drainage Criteria Manual, hydrologic evaluations to determine peak flows, floodplain mapping studies, updated topographic data, Colorado Geologic Survey landslide, earth/debris flow data, and creek planning studies, all as applicable given the context of the subject property and the application.***

The subject parcel is very flat, and staff have not identified any potential drainage issues with the proposed build site for the Ag Worker ADU. However, discussed in the referral response from the Access & Engineering Team, the proposed access to the Ag Worker ADU crossed over an existing an 18-inch CMP culvert which is not indicated on the submitted site plan. To ensure that the proposed access to the Ag Worker ADU does not adversely impact these culverts, which could result in drainage issues, staff recommends as a condition of approval that plans submitted of permitting include the location of all ditch crossings as well as the size and type of all culverts.

Finally, as conditioned in Criterion 4 above, staff find that a Revegetation and Erosion Control Plan and revegetation of any disturbed areas will prevent and mitigate any potential run off which might impact drainage patterns.

Therefore, as conditioned here and in Criterion 4 above, staff find that this criterion can met.

Staff find, as conditioned, the proposed Ag Worker ADU can meet all of the criteria for Limited Impact Special Review and recommend approval.

RECOMMENDATION:

Staff have determined that, as conditioned, the proposal can meet all the applicable criteria of the Boulder County Land Use Code for Limited Impact Special Review. Therefore, staff recommend that the Board of County Commissioners **CONDITIONALLY APPROVE** Docket LU-24-0015: Lopez Ag Worker Accessory Dwelling Unit, subject to the following conditions:

1. The Agricultural Worker Accessory Dwelling Unit is limited to no more than 1,800 square feet as allowed by the Boulder County Land Use Code. The covered porch and carport are approved as proposed.
2. The property owner must submit an annual report to the Community Planning & Permitting Department indicating that the Agricultural Worker accessory dwelling continues to be used as an Agricultural Worker Unit that is occupied in accordance with the approval of this docket.
3. Any changes to the Agricultural Worker ADU use will be considered a substantial modification of the approval and cause the termination of the Agricultural Worker Unit, requiring the unit to be removed or decommissioned.
4. ***Prior to the issuance of any building permits for the Agricultural Worker Unit***, a signed affidavit from the property owners must be recorded that recognizes the conditions of approval for this docket.
5. The development is subject to the requirements of the Boulder County Building Safety and Inspection Services Team and adopted County Building Codes, as outlined in the referral comments, including, but not limited to required sprinklering, ignition resistant materials and defensible space, and the BuildSmart energy efficiency and sustainability requirements.
6. The loop-drive as proposed in the application materials is not approved and must be removed from plans submitted for permitting.
7. ***At building permit application***, a grading plan and associated earthwork cut and fill calculations must be submitted for review and approval by Community Planning & Permitting staff.
8. ***Prior to issuance of building or grading permits***, submit to the Community Planning & Permitting Department for review and approval one copy of the proposed Revegetation Plan that conforms to the requirements as described on the materials located on our [Revegetation Page](#).

Prior to issuance of a Certificate of Occupancy, the full installation of the approved revegetation plan must be inspected and approved by the Community Planning & Permitting Department. If weather is not conducive to seeding or if adequate revegetation efforts have not occurred and vegetation is not adequately established at the time of final inspection request, an irrevocable letter of credit or monies deposited into a County Treasurer account will be required to assure the success of revegetation. You should consider the following well in advance of your revegetation inspection:

- a. Whether you are applying for a Certificate of Occupancy, final inspection, or the return of funds held in escrow for completion of revegetation, some level of germination and growth of grass seed is required.
- b. Keep in mind that the steeper the slopes and dryer the soil, the greater the attention needed to establish a level of germination adequate to obtain revegetation approval.
- c. Areas of disturbance found at inspection not included on the revegetation plan are still subject to reseeding and matting.

Incomplete revegetation is the leading cause for delays in obtaining a Certificate of Occupancy.

- 9. ***At building permit application***, plans submitted at building permit for review and approval by Community Planning & Permitting staff must demonstrate compliance with the Boulder County Multimodal Transportation Standards (the Standards) for residential development in the plains, including without limitation:
 - a. Table 5.5.1 – Parcel Access Design Standards (1-Lane Plains Access)
 - b. Standard Drawing 11 – Private Access
 - c. Standard Drawing 15 – Access Profiles Detail
 - d. Standard Drawing 16 – Access Grade & Clearance
 - e. Standard Drawing 18 – Access Turnaround
 - f. Standard Drawing 19 – Typical Turnaround Locations

At building permit, the applicants must submit revised driveway plans that indicate the location of an emergency turnaround compliant with Standard Drawing 18 and 19 of the Standards.

At final inspection, the Community Planning & Permitting Department must verify that the access and driveway has been constructed to comply with the Standards.

- 10. ***During construction***, all vehicles, materials, machinery, dumpsters, and other items must be staged on the subject property; no items are permitted to be stored or staged on N. 49th Street.
- 11. ***Prior to issuance of building permits***, submit to the Community Planning & Permitting Department for review and approval, one set of exterior color samples (color chips, brochure, or catalog page) and material samples to be used including roof, siding, and trim. These colors should be carefully selected from the dark to medium brown, gray, or green color range to ensure that they are compatible with the policies and goals established by the Comprehensive Plan and provisions of the Land Use Code and will not result in an adverse impact on surrounding properties. Exterior materials must have a matte finish. Please note that all samples must be digital or small enough to fit into a file and will be kept

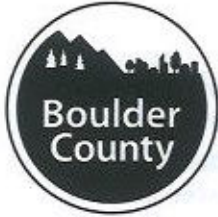
for the record. Samples should be included as part of the building plan set required at the time of permit application.

Prior to issuance of a Certificate of Occupancy, the Community Planning & Permitting Department must inspect and verify that the approved color samples are used on the new structure.

12. **Prior to issuance of building permits**, one copy of a proposed lighting plan must be submitted to the Community Planning & Permitting Department for review and approval. [Down lighting](#) is required, meaning that all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture. The lighting plan must indicate the location of all exterior fixtures on the site and structure, and must include cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures. The lighting plan must be included as part of the building plan set required at the time of permit application.

Prior to issuance of a Certificate of Occupancy, the full installation of the approved lighting plan must be inspected and approved by the Community Planning & Permitting Department.

13. **At building permit application**, plans submitted of permitting must include the location of all ditch crossings as well as the size and type of all culverts for review and approval by Community Planning & Permitting staff.
14. The Applicants are subject to the terms, conditions, and commitments of record and in the file for **Docket LU-24-0015: Lopez Ag Worker Accessory Dwelling Unit.**



Boulder County Land Use Department

Courthouse Annex Building
 2045 13th Street • PO Box 471 • Boulder, Colorado 80302
 Phone: 303-441-3930
 Email: planner@bouldercounty.org
 Web: www.bouldercounty.org/lu
 Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.
 Tuesday 10 a.m. to 4:30 p.m.

Shaded Areas for Staff Use Only
Intake Stamp

Planning Application Form

The Land Use Department maintains a submittal schedule for accepting applications. Planning applications are accepted on Mondays, by appointment only. Please call 303-441-3930 to schedule a submittal appointment.

Project Number		Project Name	
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Location and Extent	<input type="checkbox"/> Modification of Site Plan Review <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Rezoning	<input type="checkbox"/> Road Name Change <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input type="checkbox"/> Sketch Plan <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Special Use (Oil & Gas development) <input type="checkbox"/> State Interest Review (1041) <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Variance <input type="checkbox"/> Other:
Location(s)/Street Address(es) <i>10790 N. 49th St., Longmont CO 80503</i>			
Subdivision Name			
Lot(s)	Block(s)	Section(s) <i>04</i>	Township(s) <i>2N</i> Range(s) <i>70</i>
Area in Acres <i>83.38</i>	Existing Zoning <i>agr, cultural</i>	Existing Use of Property <i>farming</i>	Number of Proposed Lots
Proposed Water Supply <i>well</i>		Proposed Sewage Disposal Method <i>septic</i>	

Applicants:

Applicant/Property Owner <i>Lopez Gilbert Estate</i>		Email <i>kristin.lopez@colorado.edu</i>	
Mailing Address <i>10790 N. 49th St</i>			
City <i>Longmont</i>	State <i>CO</i>	Zip Code <i>80503</i>	Phone <i>303.956.3866</i>
Applicant/Property Owner/Agent/Consultant		Email	
Mailing Address			
City	State	Zip Code	Phone
Agent/Consultant		Email	
Mailing Address			
City	State	Zip Code	Phone

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval. I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner <i>Kristin Lopez, personal representative</i>	Printed Name <i>Kristin Lopez</i>	Date <i>10/5/24</i>
Signature of Property Owner	Printed Name	Date

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.






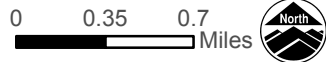
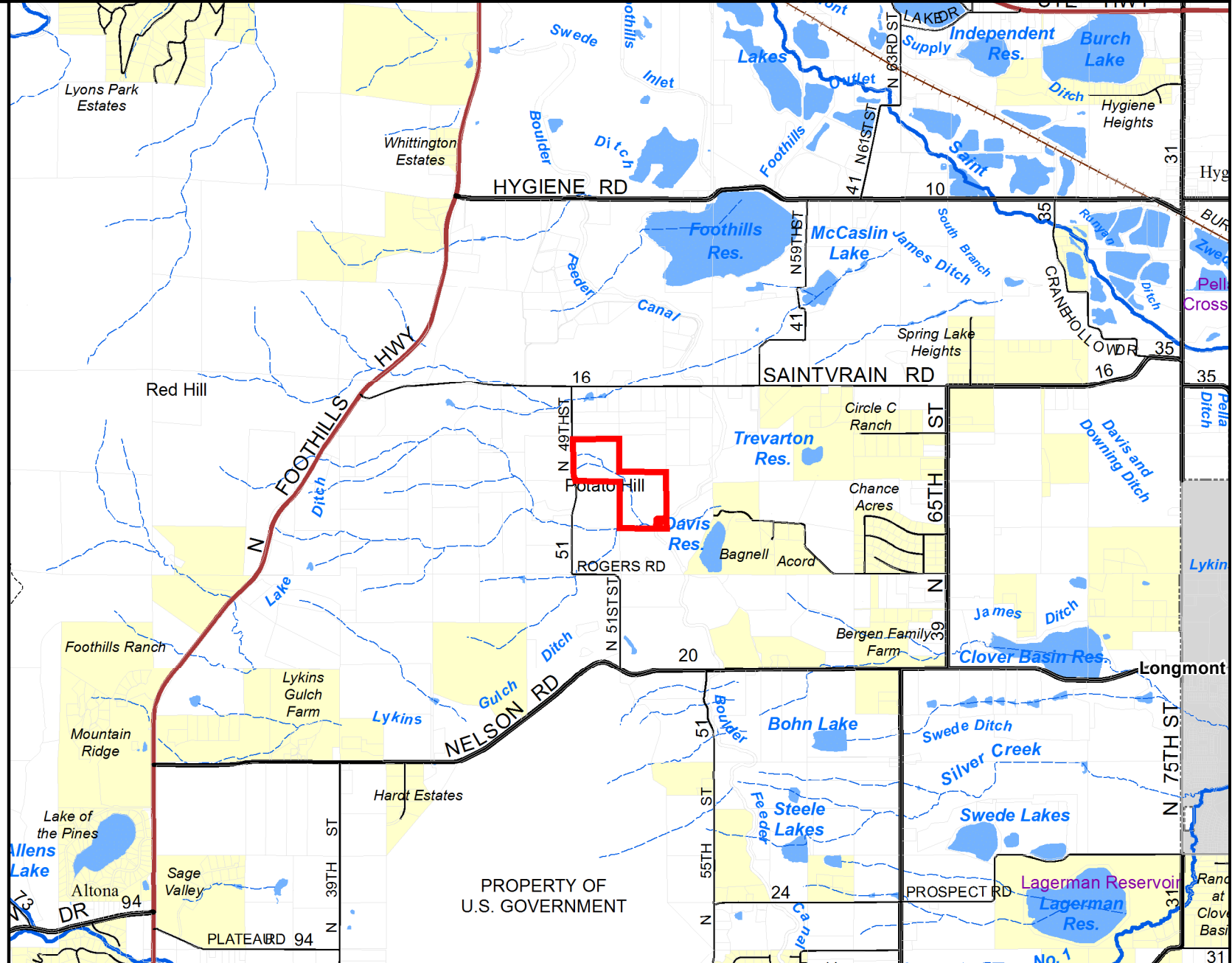
Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

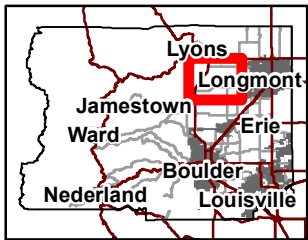
Vicinity

10790 N 49TH ST

-  Subject Parcel
-  Municipalities
- Subdivisions**
-  Subdivisions



Area of Detail Date: 2/15/2024



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer

PROPERTY OF U.S. GOVERNMENT



Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Location

10790 N 49TH ST

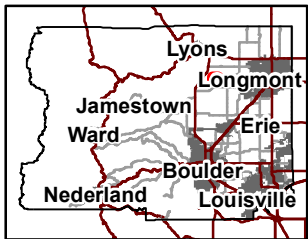
 Subject Parcel

N.49TH.S.T.

0 0.035 0.07 Miles



Area of Detail Date: 2/15/2024



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer



Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Aerial
10790 N 49TH ST

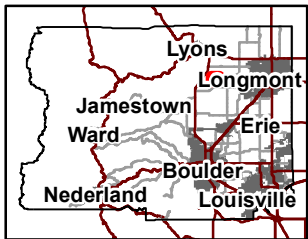
 Subject Parcel



0 0.05 0.1 Miles



Area of Detail Date: 2/15/2024



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer




Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Comprehensive Plan


10790 N 49TH ST

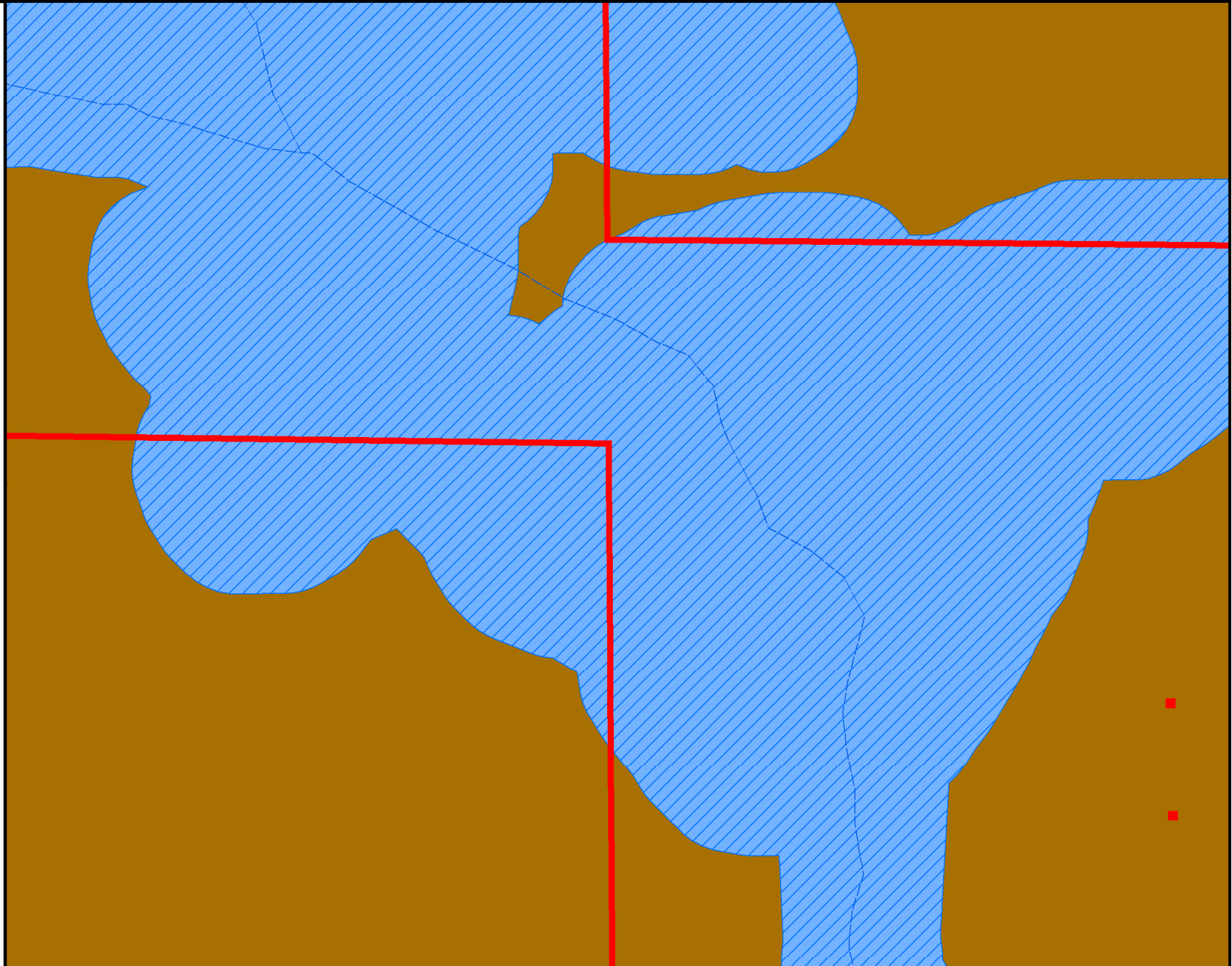
 Subject Parcel

 Riparian Areas

 Wetlands

Significant Agricultural Land

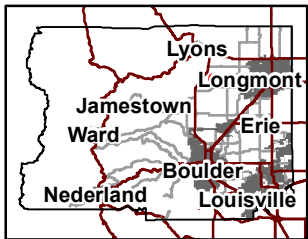
 Ag of Statewide Importance



0 0.015 0.03 Miles



Area of Detail Date: 2/15/2024



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer



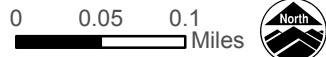
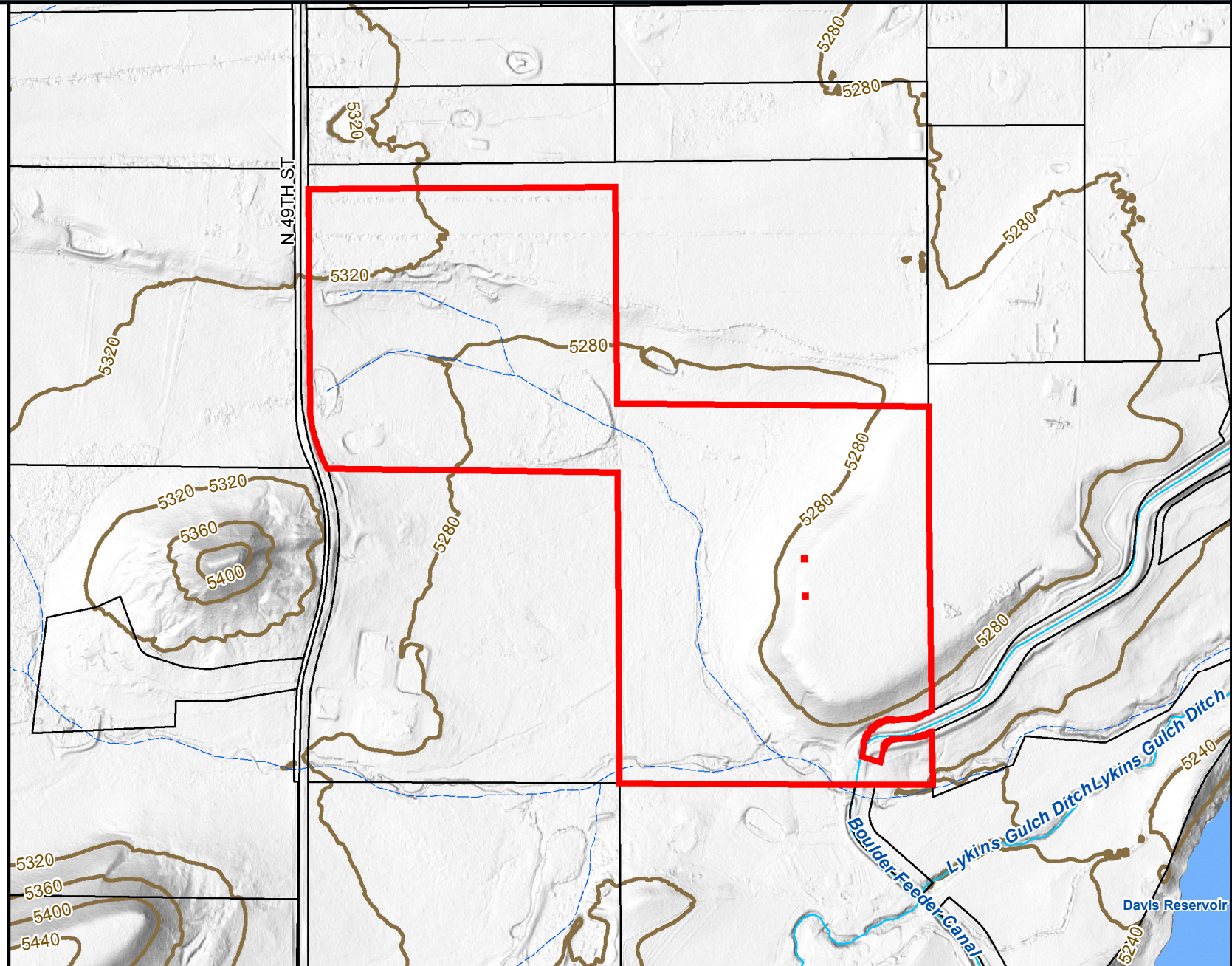
Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

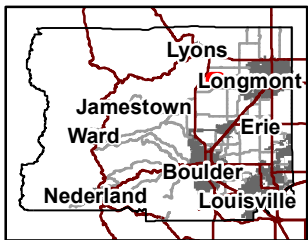
Elevation Contours

10790 N 49TH ST

- Subject Parcel
- Contours 40'



Area of Detail Date: 2/15/2024



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer



Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Geologic Hazards

10790 N 49TH ST

Subject Parcel

Geologic Hazard & Constraint Areas Geology Element

Slope Stability

- Debris flow susceptibility area
- Rockfall susceptibility area
- Landslide susceptibility area
- Landslide Inventory

Heaving Bedrock

- Steeply Dipping, Heaving Bedrock

Boulder Coal Field

- Extent of Abandoned Coal Mines

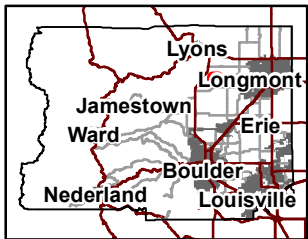
Soil and Bedrock Swell Potential

- Very High
- High
- Moderate

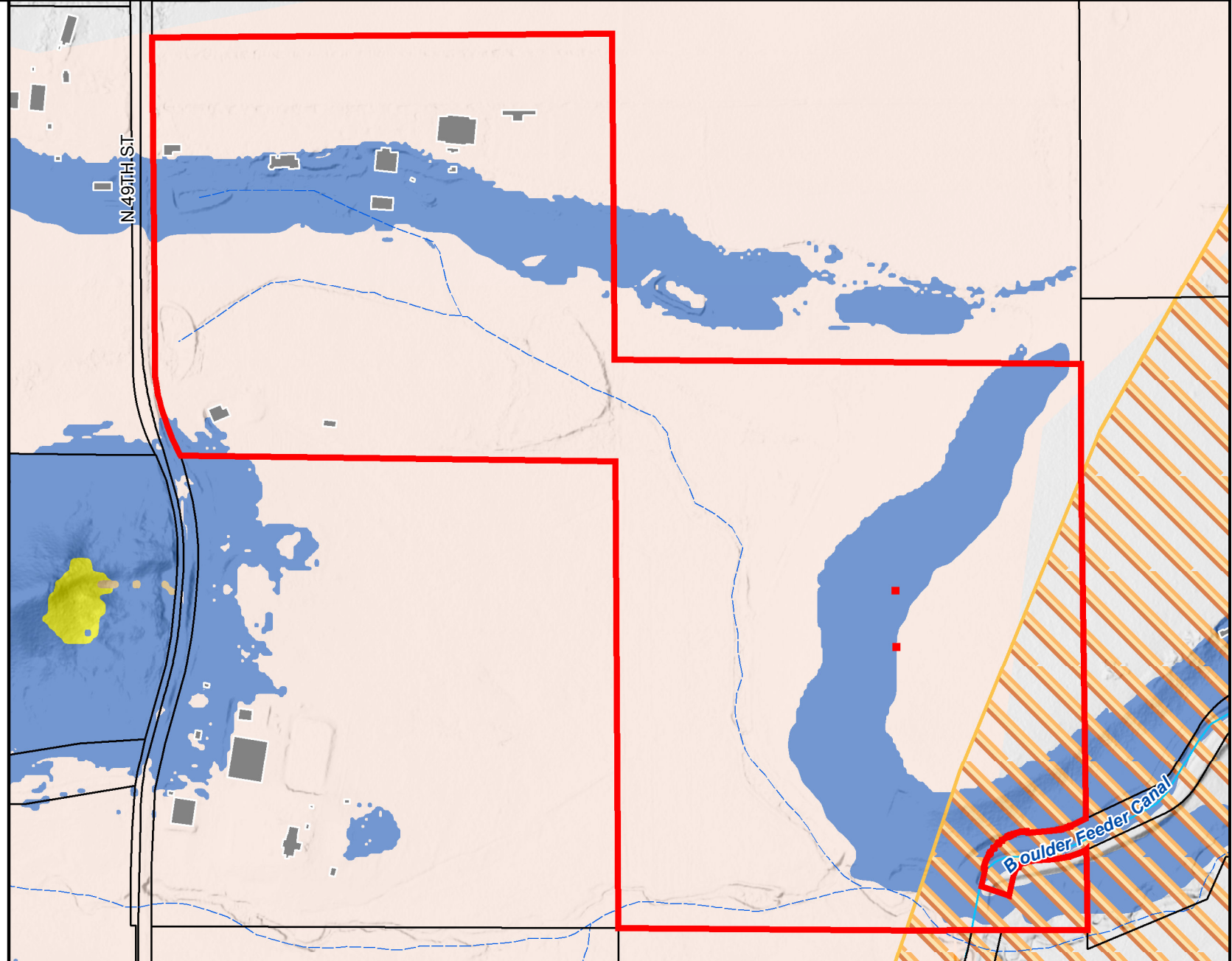
0 190 380 Feet



Area of Detail Date: 2/15/2024



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer





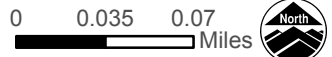
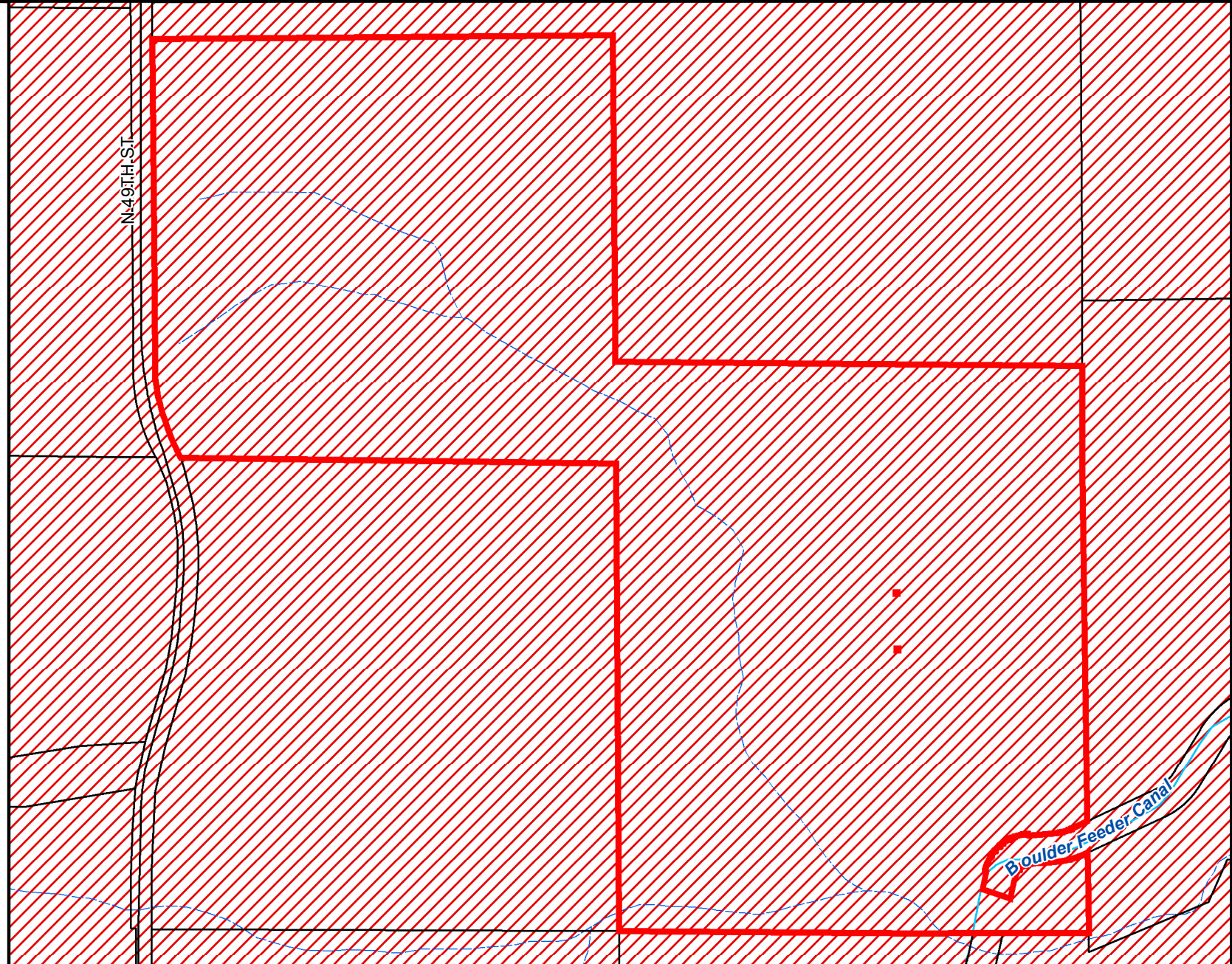
Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

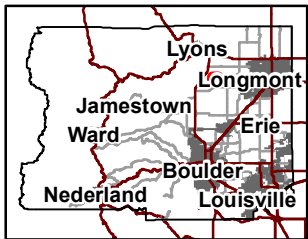
Planning Areas

10790 N 49TH ST

- Subject Parcel
- Telecom Protection



Area of Detail Date: 2/15/2024



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer



Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Prebles

10790 N 49TH ST

Subject Parcel

Note: This map's legend shows all Preble's Priority Zones as mapped by Boulder County. The subject property may not contain all zones. Refer to the USFWS Memo dated 9/17/03 to determine when projects require review by USFWS for Preble's.

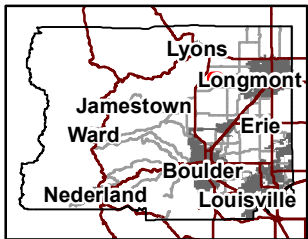
Prebles

- Zone 3 Suitable Contiguous Habitat
- Zone 4 Potential Restoration, Contiguous
- Zone 5 Suitable, Noncontiguous Habitat

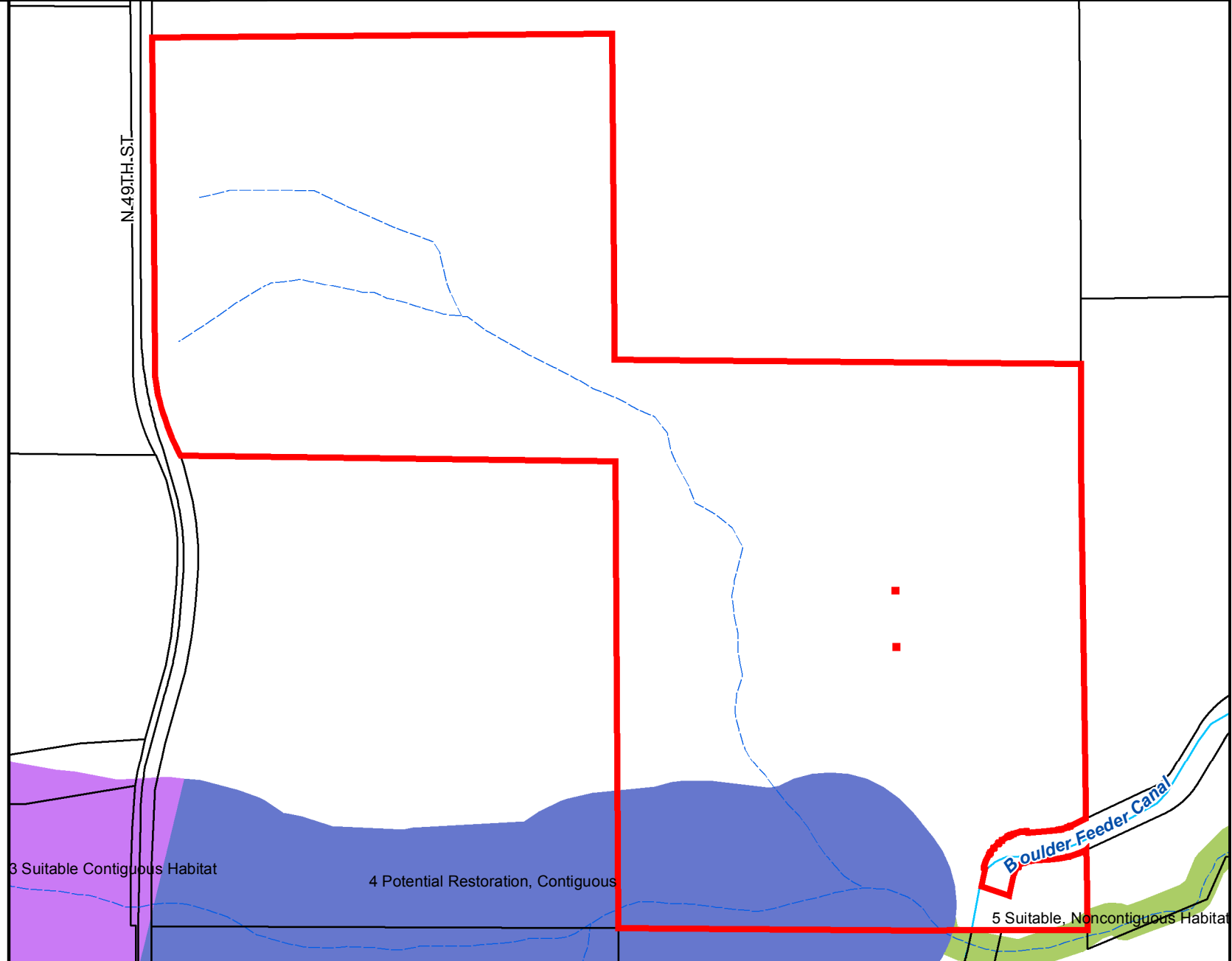
0 0.035 0.07 Miles



Area of Detail Date: 2/15/2024



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer





Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

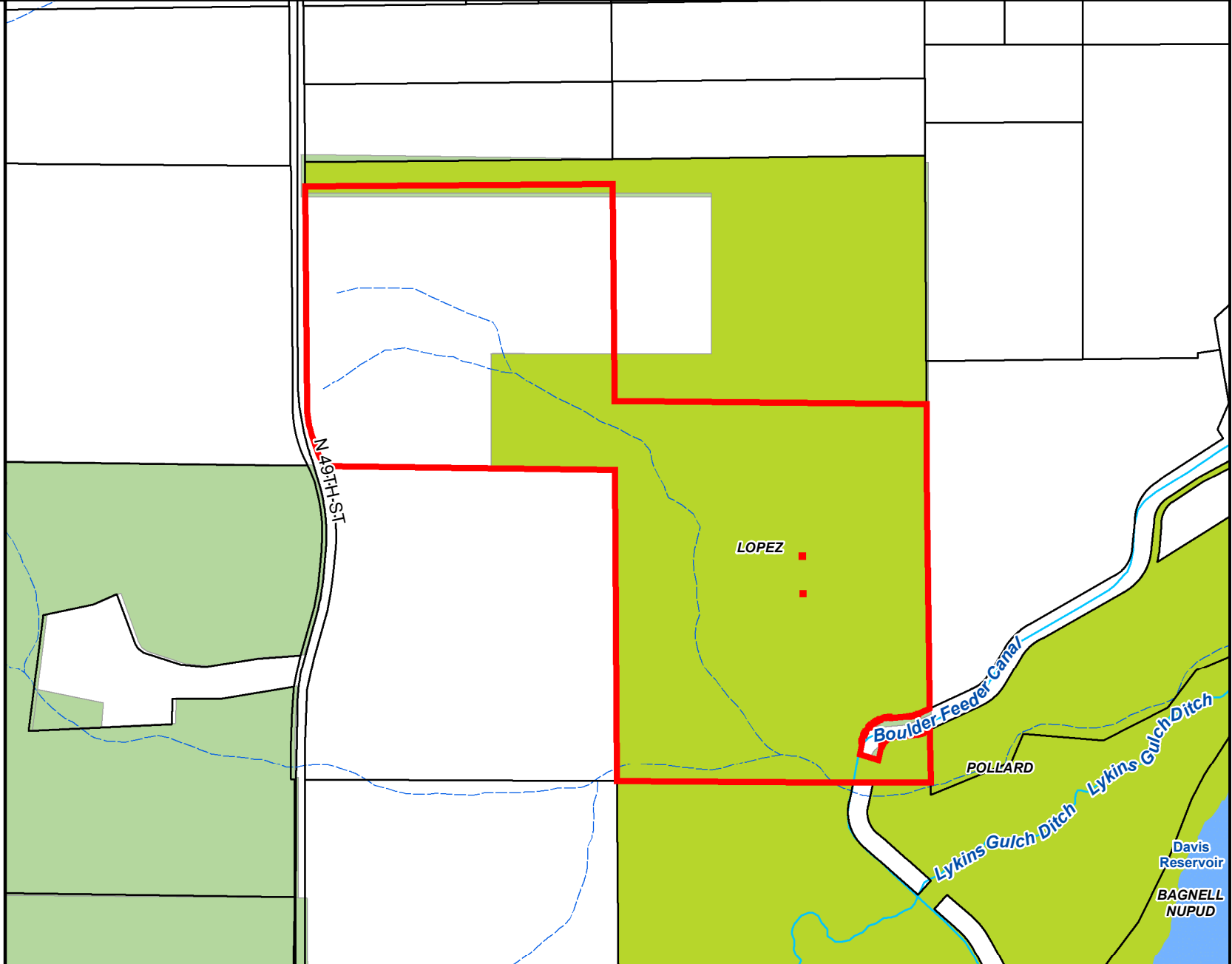
Public Lands & CEs

10790 N 49TH ST

Subject Parcel

Boulder County Open Space

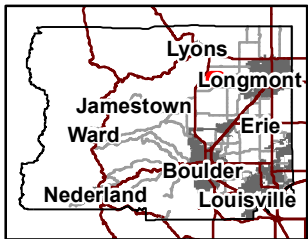
- County Conservation Easement
- OSMP Properties



0 0.05 0.1 Miles



Area of Detail Date: 2/15/2024



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer



Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

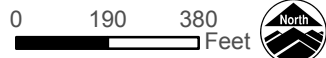
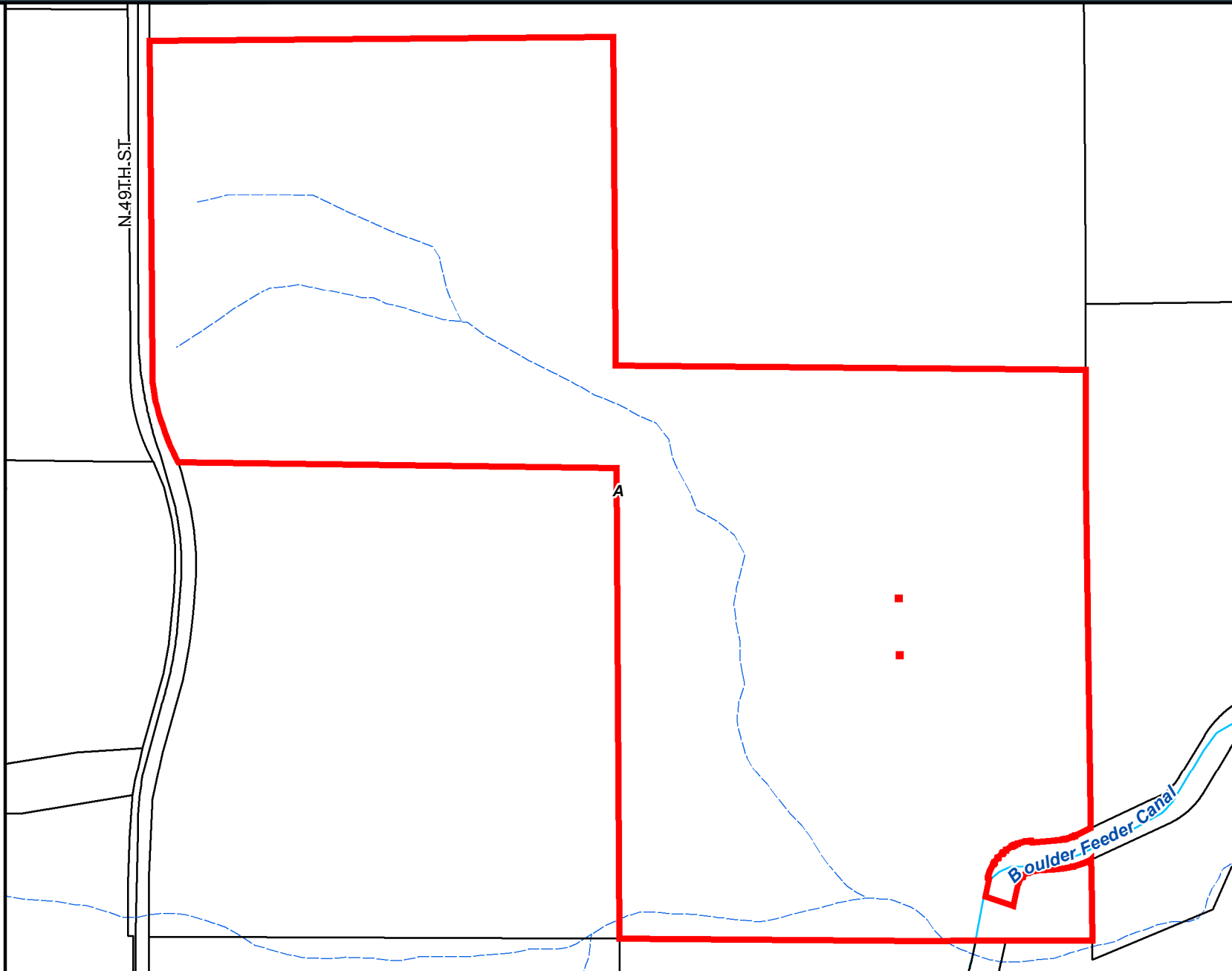
Zoning

10790 N 49TH ST

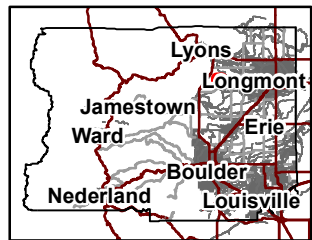
Subject Parcel

Zoning Districts

Agricultural



Area of Detail Date: 2/15/2024



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer

This application requests permission to build an agricultural accessory dwelling for an ag worker and his family (2 adults and 4 children). This person helps to maintain and improve the 120-acre farm, which includes 85 acres under conservation easement. Onsite daily help is needed to manage the hay fields and crops, care for the animals (cattle, sheep, chickens, horses) and maintain tractors and other farm equipment. Additional assistance is needed to implement an ongoing USDA-NRCS Conservation Plan.

The conservation easement includes irrigated cropland, pastures, wetlands and shortgrass prairie. Each area requires different maintenance. The ag worker's efforts to help preserve and improve the conservation easement land include:

- Irrigating hay fields; cutting, baling and loading hay
- Rotating animals in pastures, repairing fences, installing fencing to protect wetlands from grazing
- Planting cover crops and native grasses
- Controlling invasive weeds
- Planting and caring for native trees and shrubs for wildlife habitat

Requested is an 1800 sf home with an additional laundry/access area of up to 150 sf, with an allowable carport. Providing modest, secure and affordable housing for an ag worker will help reach the goal of maintaining this Boulder County land long-term as a productive farm and healthy, diverse ecosystem.



Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

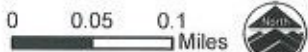
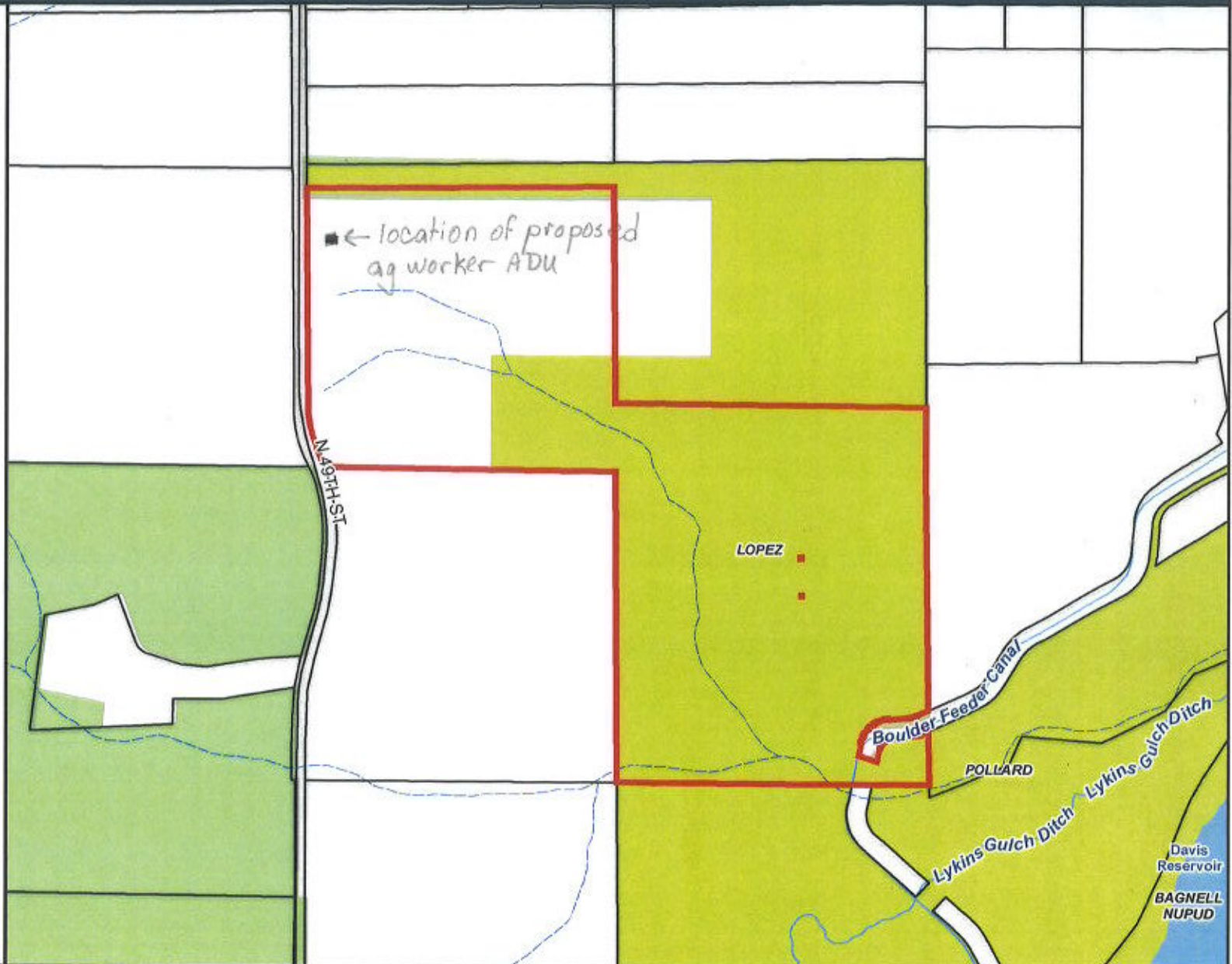
Public Lands & CEs

10790 N 49TH ST

Subject Parcel

Boulder County Open Space

- County Conservation Easement
- OSMP Properties



Area of Detail Date: 2/15/2024



The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: www.bouldercounty.org/mapdisclaimer

Limited Impact Special Use Review Fact Sheet

Project Identification

Project Name: <i>Lopez ag worker ADU</i>
Property Address/Location: <i>10790 N. 49th St., Longmont</i>
Current Owner: <i>Kristin Lopez</i>
Size of Property in Acres: <i>83.38</i>

The applicant(s) is/are required to complete each section of this Limited Impact Special Use Review Fact Sheet even if the information is duplicated elsewhere in the application. Completed Fact Sheets reduce the application review time which helps expediate the Director's Determination. Please make duplicates of this Limited Impact Special Use Review Fact Sheet if the project involves more than two structures.

Determining Floor Area

If an existing wall(s) and/or roof(s) are removed and a new wall(s)/roof(s) are constructed, the associated floor area due to the new wall(s)/roof(s) are considered new construction and must be included in the calculation of floor area for the Limited Impact Special Use Review and shown on this Fact Sheet.

*additional
* 142.5 sf laundry and
access is requested*

Structure #1 Information

Type of Structure: (e.g. residence, studio, barn, etc.)		<i>residence</i>	
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)		<i>0</i> sq. ft.	Deconstruction: <i>0</i> sq. ft.
Are new floor areas being proposed where demolition will occur? <input type="checkbox"/> Yes (include the new floor area square footage in the table below) <input checked="" type="checkbox"/> No			
Proposed Floor Area (New Construction Only)			
	Finished	Unfinished	Total
Basement:	<i>0</i> sq. ft.	<i>0</i> sq. ft.	<i>0</i> sq. ft.
First Floor:	<i>1800*</i> <i>+142.5</i> sq. ft.	<i>0</i> sq. ft.	<i>1800*</i> <i>+142.5</i> sq. ft.
Second Floor:	<i>0</i> sq. ft.	<i>0</i> sq. ft.	<i>0</i> sq. ft.
Garage: <input type="checkbox"/> Detached <input type="checkbox"/> Attached	<i>0</i> sq. ft.	<i>0</i> sq. ft.	<i>0</i> sq. ft.
Covered Deck:	<i><125</i> sq. ft.	<i>0</i> sq. ft.	<i><125</i> sq. ft.
Total:	<i>1942.5</i> sq. ft.		<i>1942.5</i> sq. ft.
Total Bedrooms			<i>5</i>
Exterior Wall Material			<i>wood frame stucco</i>
Exterior Wall Color			<i>neutral</i>
Roofing Material			<i>metal</i>
Roofing Color			<i>to comply with regulations</i>

Structure #2 Information

Type of Structure: (e.g. residence, studio, barn, etc.)			
Total Existing Floor Area: (Finished + Unfinished square feet including garage if attached.)			Deconstruction: sq. ft.
Are new floor areas being proposed where demolition will occur? <input type="checkbox"/> Yes (include the new floor area square footage in the table below) <input type="checkbox"/> No			
Proposed Floor Area (New Construction Only)			
	Finished	Unfinished	Total
Basement:	sq. ft.	sq. ft.	sq. ft.
First Floor:	sq. ft.	sq. ft.	sq. ft.
Second Floor:	sq. ft.	sq. ft.	sq. ft.
Garage: <input type="checkbox"/> Detached <input type="checkbox"/> Attached	sq. ft.	sq. ft.	sq. ft.
Covered Deck:	sq. ft.	sq. ft.	sq. ft.
Total:	sq. ft.	sq. ft.	sq. ft.
Total Bedrooms			
Exterior Wall Material			
Exterior Wall Color			
Roofing Material			
Roofing Color			

Grading Calculation

Cut and fill calculations are necessary to evaluate the disturbance of a project and to verify whether or not a Limited Impact Special Use Review (LISR) is required. A Limited Impact Special Use Review is required when grading for a project involves more than 500 cubic yards (minus normal cut/fill and backfill contained within the foundation footprint).

If grading totals are close to the 500 yard trigger, additional information may be required, such as a grading plan stamped by a Colorado Registered Professional Engineer.

Earth Work and Grading

This worksheet is to help you accurately determine the amount of grading for the property in accordance with the Boulder County Land Use Code. Please fill in all applicable boxes.

Note: Applicant(s) must fill in the shaded boxes even though foundation work does not contribute toward the 500 cubic yard trigger requiring Limited Impact Special Use Review. Also, all areas of earthwork must be represented on the site plan.

Earth Work and Grading Worksheet:

	Cut	Fill	Subtotal
Driveway and Parking Areas	0	0	0
Berm(s)	0	0	0
Other Grading	0	0	0
Subtotal	0	0	0
Box 1			
* If the total in Box 1 is greater than 500 cubic yards, then a Limited Impact Special Review is required.			
	Cut	Fill	Total
Foundation	n/a	n/a	
Material cut from foundation excavation that will be removed from the property			0

Excess Material will be Transported to the Following Location:

Excess Materials Transport Location:

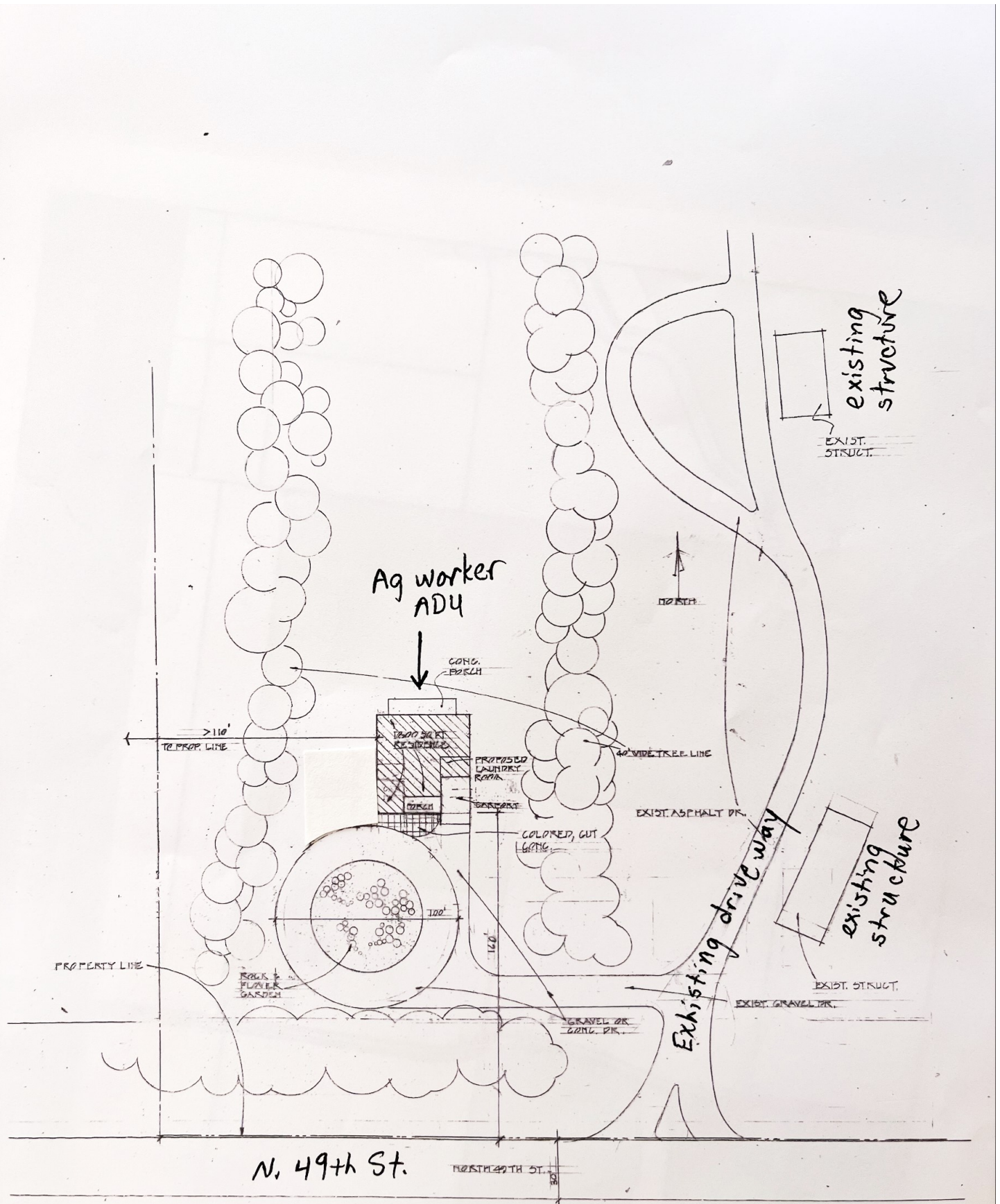
Is Your Property Gated and Locked?

Note: If county personnel cannot access the property, it could cause delays in reviewing your application.

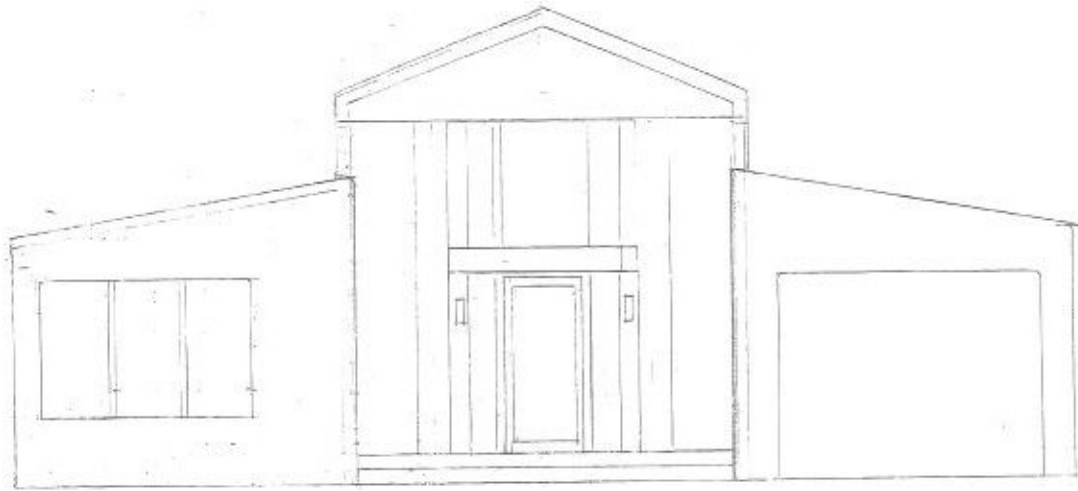
Certification

I certify that the information submitted is complete and correct. I agree to clearly identify the property (if not already addressed) and stake the location of the improvements on the site within four days of submitting this application. I understand that the intent of the Site Plan Review process is to address the impacts of location and type of structures, and that modifications may be required. Site work will not be done prior to issuance of a Grading or Building Permit.

Signature <i>Kristin Lopez</i>	Date 10/05/2024
--------------------------------	-----------------

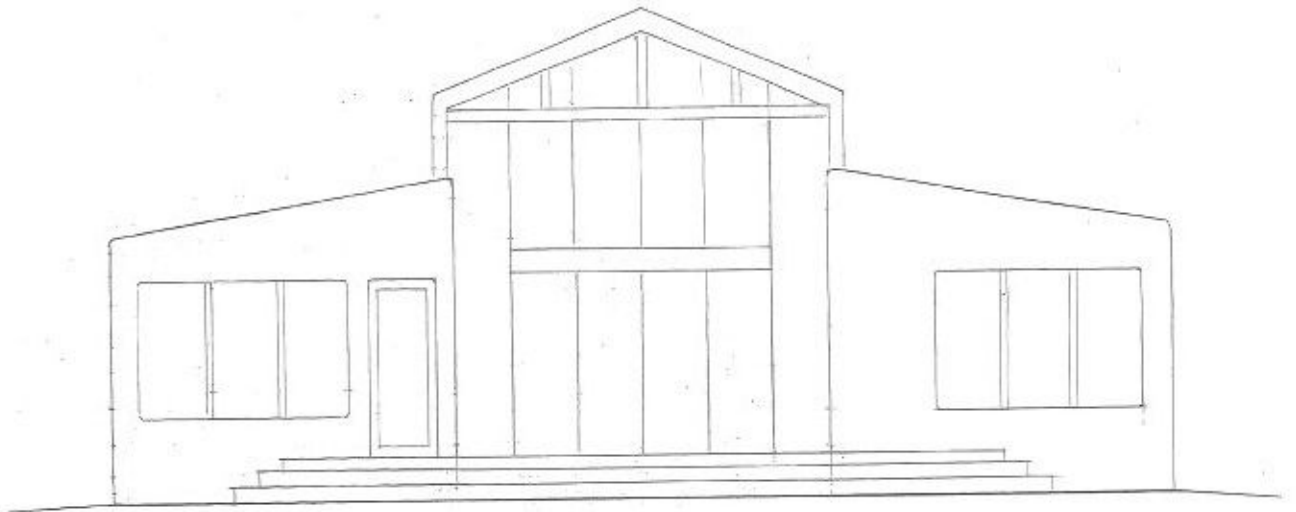


SITE PLAN
1" = 30'



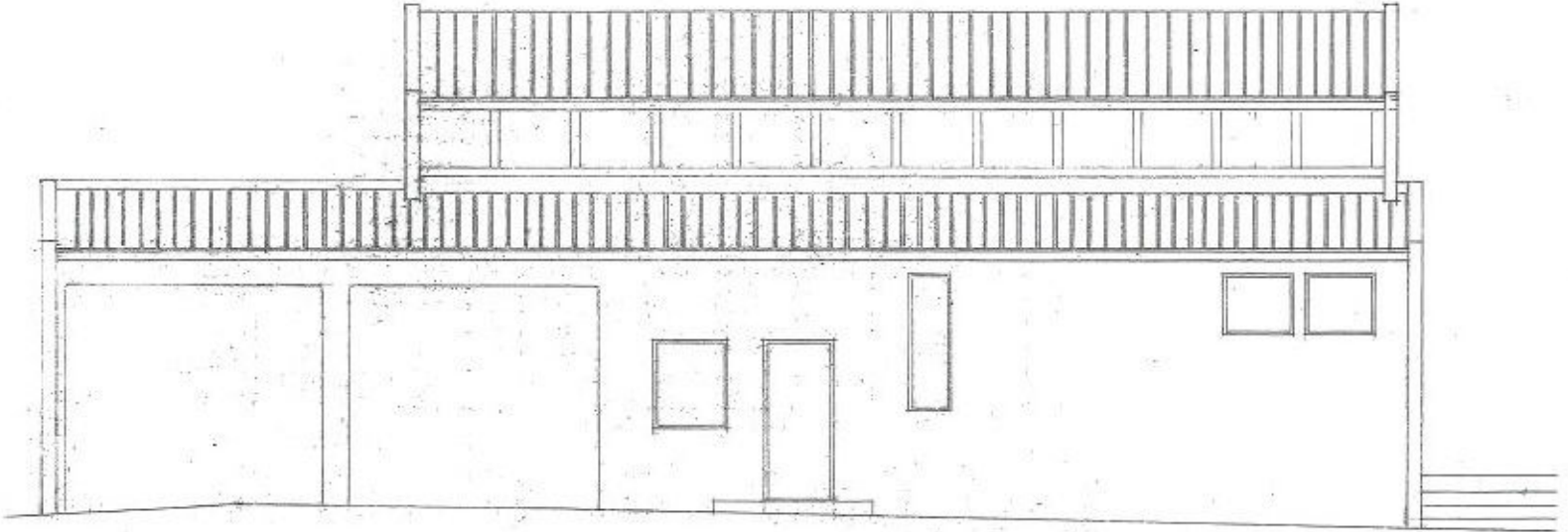
WEST ELEVATION

1/2" = 1'-0"

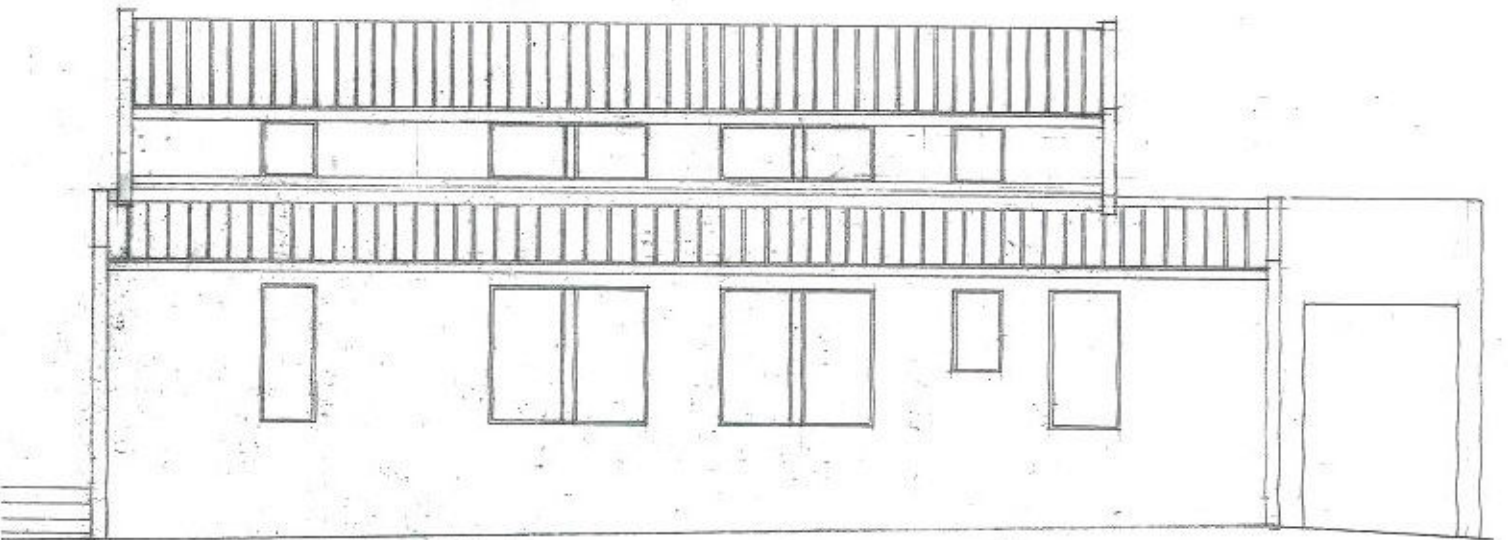


EAST ELEVATION

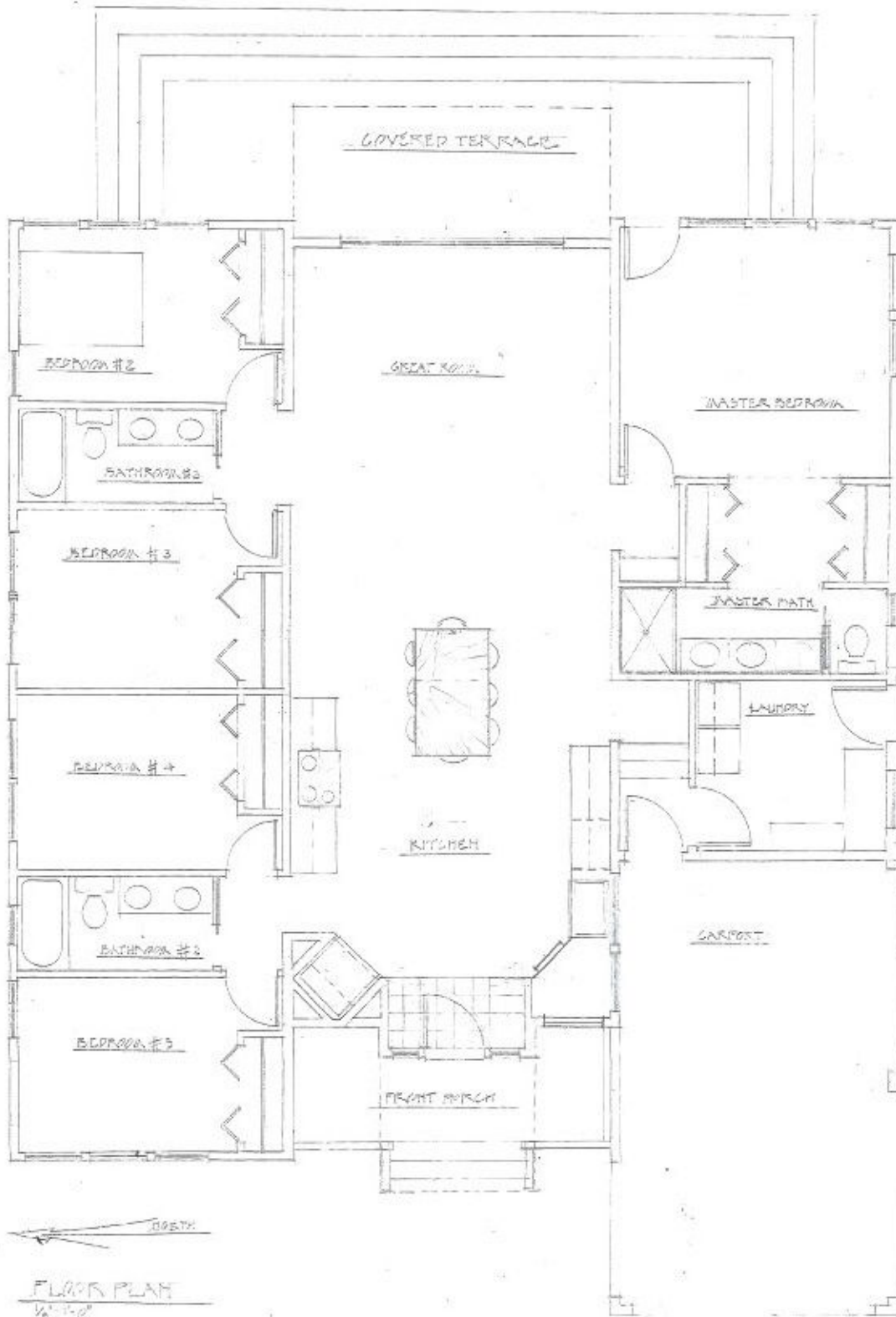
1/2" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"





Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.gov

Building Safety & Inspection Services Team

MEMO

TO: Pete L'Orange, Senior Planner
 FROM: Michelle Huebner, Plans Examiner Supervisor
 DATE: December 5, 2024

RE: Referral Response, LU-24-0015: Lopez Ag Worker Accessory Dwelling Unit: Limited Impact Special Review for an Agricultural Worker Accessory Dwelling Unit on an approximately 83-acre parcel.

Location: 10790 N. 49th Street

Thank you for the referral. We have the following comments for the applicants:

1. **Building Permit.** A building permit, plan review, inspection approvals, and a Certificate of Occupancy ("C.O.") are required for the proposed residence Ag Worker Accessory Dwelling Unit (Single family dwelling).

Carports are measured to the drip line of the roof above when the structure is supported with columns only. If the carport has a wall the structure is measured to the outside of the walls for that side only.

Please refer to the county's adopted 2015 editions of the International Codes and code amendments, which can be found via the internet under the link:

2015 Building Code Adoption & Amendments, at the following URL:
[Amendments to Boulder County Building Code effective June 6, 2022](#)

2. **Automatic Fire Sprinkler System.** Under the 2015 International Residential Code ("IRC") as adopted by Boulder County, all new one- and two-family dwellings and townhouses are required to be equipped with an automatic fire sprinkler system that is designed and installed in accordance with NFPA 13D or IRC Section P2904.
3. **BuildSmart.** Please refer to the county's adoption and amendments to Chapter 11 of the IRC, the county's "BuildSmart" program, for the applicable requirements for energy conservation and sustainability for residential additions and new residential buildings. Please be aware that there are energy related requirements of this code that may require the use of renewable energy systems (such as rooftop solar systems) that will also need to be approved by your electric utility provider. In some cases, there may be limitations on the size of on-site systems allowed by your utility

provider that could constrain the project design. We strongly encourage discussions between the design team and the utility company as early in the process as possible in order to identify these constraints.

4. **Design Wind and Snow Loads.** The design wind and ground snow loads for the property are 160 mph (Vult) and 40 psf, respectively.
5. **Ignition-Resistant Construction and Defensible Space.** Please refer to Section R327 of the Boulder County Building Code for wildfire hazard mitigation requirements, including ignition-resistant construction and defensible space.
6. **Electric vehicle charging outlet.** Boulder County Building Code requires:
 - a. R329.1 Electric vehicle charging pre-wire option. In addition to the one 125-volt receptacle outlet required for each car space by NEC Section 210.52(G)(1.), every new garage or carport that is accessory to a one- or two-family dwelling or townhouse shall include at least one of the following, installed in accordance with the requirements of Article 625 of the Electrical Code:
 - i. A Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - ii. Upgraded wiring to accommodate the future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - iii. Electrical conduit to allow ease of future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet.
7. **Plan Review.** The items listed above are a general summary of some of the county's building code requirements. A much more detailed plan review will be performed at the time of building permit application, when full details are available for review, to assure that all applicable minimum building codes requirements are to be met. Our Building Safety publications can be found at: [Building Publications, Applications and Forms - Boulder County](#)

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum building code requirements. Please call us (720) 564-2640.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
303-441-3930 • www.BoulderCounty.gov

Dec. 18, 2024

TO: Pete L'Orange, Senior Planner; Community Planning & Permitting, Development Review

FROM: Ian Brighton, Planner II; Community Planning & Permitting, Access & Engineering

SUBJECT: Docket # LU-24-0015: Lopez Ag Worker Accessory Dwelling Unit at 10790 N. 49th Street

The Development Review Team – Access & Engineering (A&E) staff has reviewed the above referenced docket and has the following comments:

1. The subject property is accessed via N 49th street, a paved Boulder County owned and maintained right-of-way (ROW) with a Functional Classification of Local. Legal access is demonstrated via adjacency to this public ROW.
2. Application materials indicate a new driveway connecting to the proposed Accessory Dwelling Unit (ADU). Plans submitted at building permit for review and approval by A&E staff must demonstrate compliance with the Boulder County Multimodal Transportation Standards (the Standards) for residential development in the plains, including without limitation:
 - a. Table 5.5.1 – Parcel Access Design Standards
 - b. Standard Drawing 11 – Private Access
 - c. Standard Drawing 15 – Access Profiles Detail
 - d. Standard Drawing 16 – Access Grade & Clearance
 - e. Standard Drawing 18 – Access Turnaround
 - f. Standard Drawing 19 – Typical Turnaround Locations

At final inspection, the Community Planning & Permitting Department must verify that the access has been constructed to comply with the Standards.

3. Plans submitted by the applicants propose a new single lane connecting to a looped drive. Plans indicate that the proposed surfacing for the new drive is gravel or concrete.

At final inspection, the Community Planning & Permitting Department must verify that the access surface is paved or consists of properly compacted 4" ABC (Class 6) or equivalent material as approved by the County Engineer.

4. Plans submitted by the applicant don't indicate the location of an emergency turnaround compliant with Standard Drawing 18 and 19 of the Standards. The emergency access

turnaround must be located a minimum of 50 feet from the front of the residence and no greater than 150 feet from the rear of the residence with a minimum 30-foot centerline radius.

Staff finds an emergency turnaround utilizing the “Y” turnaround configuration may be feasible within the proposed looped access configuration provided it’s located at the junction with the circular drive and the single-lane connector, however the junction must be moved closer to the residence to meet the 150-foot minimum distance requirement to the rear of the house.

At building permit, submit revised plans indicating the location of an emergency turnaround compliant with the Standards.

5. During a site visit conducted on Dec 13th, 2024, staff noted that the proposed single lane crosses an 18” CMP culvert that appears to be a part of an existing ditch lateral. The crossing and lateral ditches are not depicted on plans submitted by the applicant.

At building permit, submit revised plans indicating the location of all ditch crossings as well as the size and type of all culverts.

6. During construction (i.e. during the day while work is being performed), all vehicles shall be parked on site or to the side of N 49th Street as to not impede the travelway.

This concludes our comments at this time.



Public Health

Environmental Health Division

December 11, 2024

TO: Staff Planner, Community Planning and Permitting

FROM: Jessica Cannon, Environmental Health Specialist

SUBJECT: LU-24-0015: Lopez Ag Worker Accessory Dwelling Unit

OWNER: Lopez

PROPERTY ADDRESS: 10790 N. 49th Street

SEC-TOWN-RANGE: 4 2N 70

The Boulder County Public Health (BCPH) – Environmental Health division has reviewed the submittals for the above referenced docket and has the following comments.

OWTS:

1. Boulder County Public Health issued a repair permit for the installation of an absorption bed system on 3/21/81. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 3-bedroom house. Boulder County Public Health approved the installation of the OWTS on 3/30/82.
2. Boulder County Public Health issued a repair permit for the installation of an absorption bed system on 12/6/06. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for an arena. Boulder County Public Health approved the installation of the OWTS on 4/28/08.
3. Boulder County Public Health issued a repair permit for the installation of an absorption bed system on 4/27/07. The permit was issued for an onsite wastewater treatment system (OWTS) adequate for a 2-bedroom caretaker's mobile home. Boulder County Public Health approved the installation of the OWTS on 7/16/07.
4. The proposed 5-bedroom ADU will require an OWTS be permitted and installed. The required OWTS permit will be associated with a property improvement. This permit type is used when upgrading a system as a result of work done to a property under previous, current, or future Building Permits or another Community Planning & Permitting process. Examples include but are not limited to rebuilding or adding a dwelling, adding bedrooms, or finishing a basement.
5. **Be sure to apply for the correct permit (Major Repair Permit Associated with Property Improvements). The OWTS permit fee is \$3023.** The permit fees can be found at: <https://bouldercounty.gov/environment/water/septicmart/permit-and-fee-schedule/#owts-permit-services-and-fees>

6. The owner or their agent (e.g., contractor) must apply for the OWTS permit, and the OWTS permit must be issued prior to installation and before a building permit can be obtained. The OWTS components must be installed, inspected and approved before a Certificate of Occupancy or Final Building Inspection approval will be issued by Community Planning and Permitting (CP&P).
7. Boulder County Public Health must conduct an onsite investigation and review percolation rates, soil conditions and any design plans and specifications prior to OWTS permit issuance. The OWTS absorption field must be located a minimum distance of 100' from all wells, 25' from waterlines, 50' from waterways and 10' from property lines.
8. Setbacks between all buildings and the OWTS serving this property and OWTS serving neighboring properties, must be in accordance with the Boulder County OWTS Regulations, Table 7-1. <https://assets.bouldercounty.gov/wp-content/uploads/2017/05/boulder-county-ows-regulations.pdf>

This concludes comments from the Public Health – Environmental Health division at this time. For additional information on OWTS, refer to the following website: www.SepticSmart.org. If you have additional questions about OWTS, please do not hesitate to contact HealthOWS@bouldercounty.org.

Cc: OWTS file, owner, Community Planning and Permitting



Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
303-678-6200 • POSinfo@bouldercounty.org
www.BoulderCountyOpenSpace.org

TO: Pete L'Orange, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: December 23, 2024
SUBJECT: Docket LU-24-0015, Lopez, 10790 49th Street

Staff has reviewed the submitted materials, and has limited comments on the proposal. The location would be largely clustered with existing developments, and would be screened from 49th Street.

The circle drive, however, is unnecessary; its disturbance footprint would be even larger than the residence, and this is Agricultural Land of Statewide Importance.

Standard revegetation should be required.



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
 303-441-3930 • www.BoulderCounty.gov

MEMO TO: Agencies and Adjacent Property Owners
FROM: Pete L'Orange, Senior Planner
DATE: December 3, 2024
RE: Docket **LU-24-0015**

Docket LU-24-0015: Lopez Ag Worker Accessory Dwelling Unit

Request: Limited Impact Special Review for an Agricultural Worker Accessory Dwelling Unit on an approximately 83-acre parcel
Location: 10790 N. 49th Street, an approximately 83-acre parcel located approximately 0.3-mile south of the intersection of N. 49th Street and Saint Vrain Road, in Section 4, Township 2N, Range 70W.
Zoning: Agricultural (A) Zoning District
Applicant/Owner: Lopez Gilbert Estate c/o Kristin Lopez

Limited Impact Special Review is required of proposed uses that may have greater impacts on services, neighborhoods, or the environment than those allowed by right under the Boulder County Land Use Code. This process will review conformance of the proposed use with the Boulder County Comprehensive Plan and the Land Use Code.


This process includes a public hearing before the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of this hearing.

The Community Planning & Permitting staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.gov. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.gov to request more information. If you have any questions regarding this application, please contact me at 303-441-1418 or plorange@bouldercounty.gov.

Please return responses by **December 18, 2024**.

We have reviewed the proposal and have no conflicts.

Letter is enclosed.

Signed  PRINTED Name Liz Northrup

Agency or Address Boulder County Parks & Open Space Conservation Easement Program

Date 12/9/2024



Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
303-678-6200 • POSinfo@bouldercounty.gov
www.BoulderCountyOpenSpace.gov

December 9, 2024

Delivery by e-mail

Pete L'Orange, Senior Planner
Community Planning & Permitting Department
2045 13th St.
Boulder, CO 80302
plorange@bouldercounty.gov

Re: LU-24-0015 Referral Response for Agricultural Accessory Dwelling Unit at 10790 N. 49th St.,
Lopez Conservation Easement Property

Dear Pete,

Thank you for the opportunity to review the referral packet for docket LU-24-0015 which proposes to construct an agricultural accessory dwelling unit at the property described above. A portion of this property is encumbered by a Deed of Conservation Easement in Gross jointly held by both Boulder County and the City of Boulder, recorded in the real estate records of Boulder County, Colorado at Reception No. 2283635 on May 2, 2002.

The agricultural accessory dwelling unit is not proposed on the portion of property subject to the terms of the conservation easement; therefore, it is not subject to any additional restrictions through the conservation easement. The addition of this agricultural accessory dwelling unit should enhance the agricultural resources that this conservation easement protects. The Conservation Easement Program at Boulder County Parks & Open Space does not have any conflicts with this docket.

Thank you,

A handwritten signature in black ink that reads "Liz Northrup".

Liz Northrup
Conservation Easement Program Supervisor
303-678-6253
enorthrup@bouldercounty.gov



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
 303-441-3930 • www.BoulderCounty.gov

MEMO TO: Agencies and Adjacent Property Owners
FROM: Pete L'Orange, Senior Planner
DATE: December 3, 2024
RE: Docket LU-24-0015

Docket LU-24-0015: Lopez Ag Worker Accessory Dwelling Unit

Request: Limited Impact Special Review for an Agricultural Worker Accessory Dwelling Unit on an approximately 83-acre parcel
Location: 10790 N. 49th Street, an approximately 83-acre parcel located approximately 0.3-mile south of the intersection of N. 49th Street and Saint Vrain Road, in Section 4, Township 2N, Range 70W.
Zoning: Agricultural (A) Zoning District
Applicant/Owner: Lopez Gilbert Estate c/o Kristin Lopez

Limited Impact Special Review is required of proposed uses that may have greater impacts on services, neighborhoods, or the environment than those allowed by right under the Boulder County Land Use Code. This process will review conformance of the proposed use with the Boulder County Comprehensive Plan and the Land Use Code.

This process includes a public hearing before the Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of this hearing.

The Community Planning & Permitting staff and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.gov. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.gov to request more information. If you have any questions regarding this application, please contact me at 303-441-1418 or plorange@bouldercounty.gov.

Please return responses by **December 18, 2024**.

We have reviewed the proposal and have no conflicts.
 Letter is enclosed.

Signed  PRINTED Name Jessica Fasick

Agency or Address CP&P Historic Review

Date 12/3/24



COLORADO
Division of Water Resources
Department of Natural Resources

December 18, 2024

Pete L'Orange, Planner II

Boulder County Community Planning & Permitting

Transmission via email: plorange@bouldercounty.gov

Re: Plan Number LU-24-0015 Lopez Ag Worker ADU

10790 N. 49th Street, Longmont

NW¼ Section 4, Township 2 North, Range 70 West, 6th P.M.

Water Division 1, Water District 5, Boulder County

Dear Mr. L'Orange:

We have reviewed the above-referenced request for approval of a Limited Impact Special Use Review for an agricultural worker accessory dwelling on the subject property. The submitted material does not appear to qualify as a "subdivision" as defined in section 30-28-101(10)(a), C.R.S. Therefore, pursuant to the State Engineer's March 4, 2005 and March 11, 2011 memorandums to county planning directors, this office will only perform a cursory review of the referral information and provide comments. The comments will not address the adequacy of the water supply plan for this property or the ability of the water supply plan to satisfy any County regulations or requirements.

The subject property is 83.39 acres in size and contains a single-family dwelling, and 7 other agricultural buildings including barns, equipment buildings, sheds, and a greenhouse. A new 1800 square foot accessory dwelling unit (ADU) will also be constructed.

The application indicates that the source of water for the property may be an existing well. The Boulder County assessor records show that the existing home was constructed in 1980, but there may have been a manufactured home on the property before 1972. If so, a well on the subject property would not be of record with this office. Please note that for all residential real estate transactions conducted on or after January 1, 2009, if an existing well has not yet been registered with the Colorado Division of Water Resources, the buyer is required to register the well with the Division of Water Resources. Residential wells constructed and put to use prior to May 8, 1972, may continue to be used for those actual domestic purposes served by the well prior to May 8, 1972, provided such uses do not exceed the maximum uses allowed under an exempt domestic well permit and there has been no expansion of use of the well since May 8, 1972. As such, the use of the well to serve the proposed additional dwelling would be considered an expansion of the uses served by the well prior to May 8, 1972. **This office therefore asks that the applicant be required to submit a well permit application to this office prior to final approval of this zoning permit being granted if a well will**



be the source of water for this property. Since the subject parcel is greater than 35 acres in size, it is anticipated that this office could issue a new permit for the existing well or a permit to construct a new well that would allow the use of the well for fire protection, ordinary household purposes inside not more than three (3) single-family dwellings, the watering of poultry, domestic animals and livestock on a farm or ranch, and the irrigation of not more than one acre of home gardens and lawns. Should the applicant apply for a permit to construct a new well on the property, they may also be able to register the existing well on the property for its historical uses. The applicant should be aware that because the subject property is located within the boundaries of the Left Hand Water District, an application to permit the existing well, or to construct a new well, would also need to be accompanied by a letter from the water district stating that they do not oppose the issuance of a well permit for the property.

Alternatively, if the property will be served by Left Hand Water District, confirmation that the District can provide water service to the property was not provided with the application. This office most recently received information from the District regarding their water supply in a letter dated April 23, 2021. At that time, the District had 7,366 units of Colorado-Big Thompson water, of which 6,064.3 shares had been assigned, leaving 1,301.7 shares available (approximately 893 taps). Additionally, the District had 2,854 shares of Left Hand Ditch Company Shares water, of which 2,318.79 shares had been assigned, leaving 535.21 shares available (approximately 316 taps).

According to records available to this office, the parcel may have historically been irrigated with water from the Lake Ditch. If the parcel will continue to be irrigated, the Lake Ditch is an acceptable source of irrigation water provided that the landowner has shares or rights that entitle them to the use of water from the ditch. There is an existing pond located on the property. A direct flow irrigation water right may be temporarily detained for up to 72 hours to allow for more efficient or effective beneficial use of water. Any direct-flow water that is temporarily detained for irrigation use must be used within 72 hours in accordance with the Colorado Division of Water Resources' General Administration Guidelines for Reservoirs. Any unauthorized inflows (i.e., stormwater inflows) must be released to the stream system without use as soon as practical, but within 72 hours unless a different time frame is approved in writing by the Water Commissioner or Division Engineer.

If the pond is filled with any amount of groundwater, a non-exempt well permit from the State Engineer is required, and all of the laws associated with well construction and groundwater use apply. A non-exempt well permit cannot be issued unless the pond is operated pursuant to a court-approved plan for augmentation or an approved substitute water supply plan. A pond may be lined with a barrier that is impermeable to water so that groundwater is not exposed to the atmosphere. However, liners must be tested to achieve the State Engineer's guidelines for liners.

The ability of the property owner to obtain a permit for any existing or proposed well, and the allowable use of the well, will be determined at the time a well permit application is submitted to this office. Should you or the applicants have any questions regarding this matter, please contact Garrett Banks at this office at 303-866-3581 ext. 8222 or garrett.banks@state.co.us.

Plan Number LU-24-0015
Lopez Ag Worker ADU

December 18, 2024
Page 3 of 3

Sincerely,

A handwritten signature in black ink that reads "K. Fuller". The signature is written in a cursive, flowing style.

Kate Fuller, P.E.

Water Resources Engineer

Ec: Referral file no. 32590

Shera Sumerford, Lead Water Commissioner District 5



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
Donna.L.George@xcelenergy.com

December 11, 2024

Boulder County Community Planning and Permitting
PO Box 471
Boulder, CO 80306

Attn: Pete L'Orange

Re: Lopez Ag Worker Accessory Dwelling Unit, Case # LU-24-0015

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the limited impact special review for **Lopez Ag Worker Accessory Dwelling Unit**. and has **no apparent conflict**.

As a safety precaution, PSCo would like to remind the developer to dial 811 for utility locates prior to construction.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: donna.l.george@xcelenergy.com



City of Boulder Open Space and Mountain Parks

2520 55th Street | Boulder, Colorado 80301 | 303-441-3440

<http://www.osmp.org>

December 10, 2024

Pete L'Orange, Senior Planner
Community Planning & Permitting Department
2045 13th St.
Boulder, CO 80302
Plorange@bouldercounty.gov

Re: Conservation Easement Program Consent for Construction of an Agricultural Work Accessory Dwelling Unit on the Lopez Conservation Easement (Docket LU-24-0015)

Dear Mr. L'Orange,

Thank you for the opportunity to review the referral packet for docket LU-24-0015, which proposes the construction of an agricultural accessory dwelling unit on the referenced property. A portion of this property is covered by a Deed of Conservation Easement in Gross, jointly held by Boulder County and the City of Boulder, and recorded in the Boulder County real estate records under Reception No. 2283635 on May 2, 2002.

The proposed structure is an 1,800-square-foot home with an additional laundry/access area of up to 150 square feet and an allowable carport. This dwelling unit is planned outside the portion of the property encumbered by the conservation easement and is therefore not subject to its restrictions. The addition is expected to support the agricultural resources that the conservation easement aims to preserve. The Conservation Easement Program at the City of Boulder Open Space and Mountain Parks has no objections with this docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Sara Kramer", with a long horizontal flourish extending to the right.

Sara Kramer
Conservation Easement Program Manager
(720) 241-3500
KramerS@bouldercolorado.gov

From: [ColoradoES, FW6](#)
To: [L'Orange, Pete](#)
Subject: [EXTERNAL] Lopez Ag Worker Accessory Dwelling Unit
Date: Thursday, December 5, 2024 11:05:08 AM

Hello Pete L'Orange,

Thank you for contacting the U.S. Fish and Wildlife Service (Service). The Service has reviewed the Lopez Ag accessory dwelling unit project and has no concerns with this project resulting in impacts to species listed as candidate, proposed, threatened, or endangered.

We appreciate your efforts to ensure the conservation of threatened and endangered species. Thank you for contacting us and please let me know if you have any further questions.

Project Code: 2025-0027919

Sincerely,

Emily Berchem

U.S. Fish and Wildlife Service
Colorado Ecological Services Field Office
1 Denver Federal Center, Building 25
Denver, CO 80225